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Security Council

Seventy-second year

Provisional

8089th meeting

Tuesday, 7 November 2017, 10.20 a.m.

New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Inchauste Jordán
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	Ethiopia	Ms. Guadey
	France	Mrs. Gueguen
	Japan	Mr. Kawamura
	Kazakhstan	Mr. Tumysh
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Ciss
	Sweden	Mr. Skau
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Ms. Tachco
	Uruguay	Mr. Bermúdez

Agenda

The situation in Bosnia and Herzegovina

Letter dated 1 November 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/922)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 1 November 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/922)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Bosnia and Herzegovina, Croatia and Serbia to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. João Vale de Almeida, Head of the Delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of item two of its agenda.

I wish to draw the attention of Council members to document S/2017/922, which contains the text of a letter dated 1 November 2017 from the Secretary-General addressed to the President of the Security Council, transmitting the fifty-second report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

Mr. Inzko: More than 25 years have passed since Bosnia and Herzegovina joined the United Nations in 1992, and more than two decades have elapsed since the tragic conflict came to an end in 1995. In many ways, the country has made remarkable progress since then: the State institutions provided for in annex 4 of the Peace Agreement — the Constitution of Bosnia and Herzegovina — were established; the three armies that fought each other were unified into one; a modern and efficient tax collection system was established; and the country adopted a flag, a national anthem, common passports and very stable currency. Those are just some of the achievements.

The country is today at a crucial moment in its history, as leaders of all ethnic affiliations aspire to join the European Union (EU) and are working towards fulfilling the requirements necessary for Bosnia and Herzegovina to be granted EU candidate status. Despite those promising strides, Bosnia and Herzegovina still requires the attention of the international community. Looking at the past six months, many of the key political actors in Bosnia and Herzegovina have continued to hold maximalist positions on the concrete challenges facing the country. Those political actors have been unwilling, in most cases, to search for the compromises needed to adopt the necessary reforms.

Of course, there have been positive counterexamples to that negative trend. Bosnia and Herzegovina has taken some steps to implement the EU reform agenda and continues to work on the questionnaire of the European Commission. In addition, the country signed, in September in Trieste, a treaty establishing a transport community with the EU and five other Western Balkan countries, which will eventually open the door to infrastructure developments.

There were also some positive developments in terms of regional relations, such as the official visit to Sarajevo in September of the President of Serbia, Aleksandar Vučić. There were also important visits to Bosnia and Herzegovina made by Croatian officials. But the overall picture is one in which reforms have slowed down considerably. The Foreign Ministers of the European Union described the situation accurately last month when they expressed

> "regret that a divisive rhetoric rooted in the past and an early electoral agenda have slowed down the pace of reform and affected the political climate".

In addition to the current political stalemate, I want to highlight the risk of a deeper political crisis arising next year due to disagreement on the rules regulating the indirect election of delegates to one of the Houses of Parliament in the Federation of Bosnia and Herzegovina. If the Federation's House of Parliament is not formed following the next elections, it will most likely prevent the formation of the Federation's Government, as well as one chamber of the State-level Parliament. I want to call attention to that issue now, while there is still time for the parties in Parliament to address the problem before the elections in October 2018. The parties must do whatever is necessary to ensure that the elections

can take place next year and that the results are implemented without undue delays.

In addition to the possible political stalemate in the Federation that I have just described, we have also seen continued actions and statements from the representatives of Republika Srpska, questioning the future of the country and challenging the authority of State-level institutions, including the decisions of the State's highest courts. The President of Republika Srpska has called for Serb judges to withdraw from State judicial institutions and made it clear that entity institutions will not implement decisions of the Court of Bosnia and Herzegovina related to the State's right to own real estate within Republika Srpska territory.

That is part of a campaign to assert that Bosnia and Herzegovina derives its sovereignty only from the entities and that it is not a real State. In practice, it involves challenging the competence of the State to deal with almost any issue, and that has led to paralysis on a number of concrete reforms needed for the country to advance on its path of Euro-Atlantic integration. For example, in October, the Republika Srpska National Assembly adopted a resolution that asserts the entity's neutrality vis-à-vis integration with NATO and attempts to redefine the position and obligations of the Republika Srpska under the General Framework Agreement for Peace in Bosnia and Herzegovina, in particular under the Constitution, which is set forth in annex 4 of the Peace Agreement.

In response, I have been clear that the General Framework Agreement for Peace, including the Constitution, prevails over any act adopted by the Republika Srpska National Assembly and that foreign policy is the exclusive responsibility of the State's institutions. Furthermore, in my view — and this stands for other issues as well — decisions of Bosnia and Herzegovina's State Presidency remain valid until they are amended by subsequent acts.

In the past I have reported to the Security Council on another potential challenge to the Dayton Peace Agreement and the sovereignty of the country, namely, the decision to hold a referendum in the entity of Republika Srpska on the State's judicial institutions and the authorities of the High Representative. When that issue arose in 2015, I made it clear that such a referendum would violate annexes 4 and 10 of the Dayton Peace Agreement. At the time, the European Council also said that such a referendum would "challenge the cohesion, sovereignty and territorial integrity of Bosnia and Herzegovina".

Yesterday, the Republika Srpska National Assembly formally took out of force the decision made in 2015 to hold that referendum — a decision that should never have been made in the first place. However, that National Assembly also adopted conclusions that pose gravely concerning issues. They again incorrectly assert that Republika Srpska is a State and that it has the right to hold referendums on matters within the clear competence of the State of Bosnia and Herzegovina. I would like to emphasize that the Republika Srpska authorities only have the right to make decisions on matters that fall under their own constitutional responsibilities — including through referendums. That is clearly not the case when it comes to the laws concerning judicial institutions at State level or decisions made by the High Representative.

Many of the problems that we see in Bosnia and Herzegovina serve to highlight a more general long-term trend of diminishing regard for the rule of law by those in authority. Those include the continued failure to implement the rulings made in 2009 by the European Court of Human Rights in the *Sejdić and Finci* and related cases. As a result, under the current system, certain groups in Bosnia and Herzegovina — such as Jews and Roma peoples — have been discriminated against for over two decades in their right to hold political office.

In the city of Mostar, citizens have been unable to elect local representatives during the past two electoral cycles because the two main political parties in the city have been unwilling to implement the Constitutional Court's decision on the electoral system. One final example: some of the cantons in the Federation of Bosnia and Herzegovina have failed to amend their Constitutions to include guaranteeing the status of Serb peoples and the Serb language, despite a legal requirement since 2002 to do so.

All of those issues need to be addressed. Of course, problems with the rule of law go much deeper in terms of corruption in the political system, the large public sector and the provision of basic services to the public. Those deficiencies in the rule of law contribute to the large exodus of talented young people from the country, which strengthens the forces of nationalism and division.

The Dayton Peace Agreement defines Bosnia and Herzegovina as a State governed by the rule of law. I believe that we, as the international community, need to re-engage and reinvigorate our efforts more robustly in order to buttress the rule of law, including through stronger anti-corruption efforts.

In the light of the many internal challenges still present in Bosnia and Herzegovina, I believe that the international community should retain all of the instruments at its disposal to maintain stability. Bosnia and Herzegovina represents a complex political and security environment in which negative scenarios can quickly endanger the Dayton Peace Agreement and the progress achieved so far. For that reason, I am firmly convinced that there is still the necessity to maintain the EU military force on the ground with an executive mandate.

Before concluding, I want to mention one more recent positive development that I think reminds us that our efforts are not in vain in supporting Bosnia and Herzegovina and its people. Last year, politicians in Central Bosnia Canton adopted an initiative in the regional Parliament to segregate Bosniak and Croat pupils in the local high school in the town of Jajce. However, they quickly encountered determined resistance from a group of vocal students and other citizens of all nationalities. In large part because of that resistance, the planned division of the school did not move forward in September. That example reminds me of two things. First, it shows that there is a desire among citizens at the local level for social and institutional integration and for European standards to be applied in the public sphere. Secondly, it demonstrates to me that, when we are united as an international community in speaking out in support of local actors working to improve their own country, we see results.

Looking ahead, the principal challenges for the political leaders and institutions in Bosnia and Herzegovina are clear. First and foremost, they include completing the actions needed to achieve the next steps in Euro-Atlantic integration. Those are the very same measures that will deliver the economic development that is so badly needed for the citizens of Bosnia and Herzegovina. Secondly, they include taking all the necessary steps to ensure that the 2018 elections can be held and that their results be implemented smoothly. And, finally, there is the rule of law. Respecting and implementing the decisions of courts and respecting the Dayton Peace Agreement are absolute preconditions for real progress.

As an international community, we cannot do any of those things on behalf of the elected leaders of Bosnia and Herzegovina, but we can speak out clearly against attempts to roll back the progress made in integrating Bosnia and Herzegovina and its peoples. And we can support all those who demonstrate a true commitment to making Bosnia and Herzegovina a stable, functional and prosperous country, irreversibly integrated into European structures.

The President: I thank Mr. Inzko for his briefing.

Members of the Council have before them document S/2017/928, which contains the text of a draft resolution submitted by Italy.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Bolivia (Plurinational State of), China, Egypt, Ethiopia, France, Italy, Japan, Kazakhstan, Russian Federation, Senegal, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay

The President: The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2384 (2017).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mrs. Gueguen (France) (*spoke in French*): I thank the High Representative for Bosnia and Herzegovina for his briefing. More than 20 years after a deadly conflict, the Dayton Peace Agreement continues to be the cornerstone of institutional stability in Bosnia and Herzegovina.

Today's unanimous adoption of resolution 2384 (2017) serves to highlight that all the members of the Council share the same cardinal principles with regard to Bosnia and Herzegovina. First, it serves as a reminder of the imperative need to respect the principles and institutions set up by the Dayton Peace Agreemen; secondly, of the need to respect the aspiration of all the components of the country in favour of a European

perspective; and, thirdly, of the need to support the presence of the European Union-led peacekeeping force Althea, with an executive mandate.

The unity of the Council around those common elements sends a signal of peace that is essential for the calming of the political climate in a context that remains marked by great polarization among political stakeholders. The unity of the Council recalls the support of the international community for the independence and territorial integrity of Bosnia and Herzegovina, which cannot be questioned by any one of its entities, as well as for respecting the choices of Bosnia and Herzegovina, insofar as they comply with international law and the framework established by the Peace Agreement. In that regard, we call on all Bosnian political actors to respect the central institutions of Bosnia and Herzegovina and to refrain from any initiative that could undermine those institutions, such as the referendum project. The establishment of the rule of law is a prerequisite for a calm political debate.

We call for great vigilance with regard to any initiative likely to introduce new divisions in the country. We once again urge all parties to cooperate with the institutions mentioned in the Peace Agreement, including the Constitutional Court of Bosnia and Herzegovina and the Office of the High Representative. The latter must focus its efforts on facilitating a peaceful dialogue on a daily basis between the different communities and the different entities involved.

France calls on all actors to abandon divisive rhetoric. The time has come to focus on the implementation of the economic and social reforms that constitute the common aspirations of all citizens of Bosnia and Herzegovina, regardless of their community of origin. That is also true for electoral reform. France calls on all political parties to enter into a serious dialogue. Otherwise, the legal framework for elections risks being flawed.

However, despite that fragility, France remains convinced that the situation in Bosnia and Herzegovina is now on the path towards normalization, thanks in particular to the European perspective. Our objective for the next few years remains, without calling into question the founding principles of the Dayton Peace Agreement, to change the international presence, taking into account, in particular, the progress of Bosnia and Herzegovina on its European path. France is pleased that the European perspective is now the main driver of development and consolidation of the country. Frances aligns itself with the statement to be delivered by the observer of the European Union.

In that regard, we welcome several positive developments for Bosnia and Herzegovina on the road to European integration. The official submission to the Bosnian authorities of the questionnaire to launch the European Commission's examination of Bosnia and Herzegovina's candidacy for the European Union is certainly part of those positive developments. It is part of a context in which the prospect of European integration enjoys massive support among the Bosnian population and it is the subject of real unanimity within institutions, from the Presidency to the cantons, including political entities, which is something that we can only welcome enthusiastically.

In that context, the European Union will continue more than ever to support the authorities of Bosnia and Herzegovina in the implementation of reforms that meet the economic and social aspirations of the population. The reform agenda is central to that end. We are therefore concerned about the slowdown in the reforms, which started at the beginning of the year. In the framework of the questionnaire, we will attach particular importance to demonstrating the full functionality of the coordination mechanism in the European matter.

Finally, the Althea military operation will also continue its work by adapting itself as best as it can to the security situation on the ground in order to enable the Bosnian security forces to operate autonomously. In the coming weeks, it will be the subject of a strategic review led by the European Union, which will guide its efforts for the years to come.

Twenty-one years after the horror of war, 25 years after the beginning of the conflict, Bosnia and Herzegovina is moving in the right direction today, with the support of the European Union and its other partners. The responsibility of the international community, and in particular of the Council, is to encourage it along that path, so that it definitively turn the page on quarrels of the past.

Mr. Skau (Sweden): I would like to align myself with the statement to be delivered on behalf of the European Union (EU).

Let me begin by thanking the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for

his comprehensive briefing to the Security Council this morning. I would like to assure the High Representative of our continued full support for his important work.

During the war in Bosnia and Herzegovina, the line from Ivo Andrić's *Letter from the Year 1920* that Bosnia was a country of fear and hatred was often quoted. However, since the end of the war, the people of Bosnia and Herzegovina, supported by the international community, not least the European Union, have been on a journey to replace that fear and hatred with trust and mutual respect. It is a journey to build a peaceful and prosperous Bosnia and Herzegovina. And while much has been achieved, it is a journey that has not yet reached its end.

Bosnia and Herzegovina's European Union perspective remains central to its future. The President of the European Commission, Mr. Jean-Claude Juncker, in his state of the union speech in September, clearly stated that the integration of the Western Balkans into the Euroepan Union remains a top priority for the EU. The Western Balkans region is a part of Europe, and developments in the region will affect the rest of the continent. European Union Foreign Ministers reiterated the Union's firm commitment to Bosnia and Herzegovina's EU perspective when they met at the Foreign Affairs Council only last month. However, much work remains to be done.

While we welcome the initial implementation of the reform agenda, the pace of reform has, worryingly, slowed this year. It is crucial that authorities step up the implementation of comprehensive reforms in order to regain momentum and to get the reform agenda back on track. Those efforts should focus on socioeconomic development, fighting corruption and organized crime, ensuring fundamental freedoms and electoral reforms. In addition, it is necessary to invest in bridging cultural and social differences, not least among children and youth. Next year's elections must not be an excuse for delaying key decisions. Election reform should be approached in the spirit of consensus and dialogue. Moreover, relevant rulings of the Constitutional Court must be implemented swiftly in order to avoid a legal vacuum after the elections next year.

It is important that efforts towards continued reconciliation in Bosnia and Herzegovina be supported. Sexual and gender-based violence committed during the war needs to be addressed. Impunity threatens stability and social cohesion, making reconciliation even more difficult. In addition, Bosnia and Herzegovina's national action plan on women and peace and security should be fully implemented.

Finally, we welcome today's unanimous adoption of resolution 2384 (2017), which reviews the mandate of the European Union-led peacekeeping force Althea in Bosnia and Herzegovina. We also acknowledge the need for discussion on the reconfiguration of the international presence in Bosnia and Herzegovina. We remain supportive of the idea of phasing out the international presence when the situation on the ground allows for it. With our partners in the European Union, Sweden will continue to stand with the people of Bosnia and Herzegovina as they work towards realizing their European perspective and building a country of prosperity, peace, stability and equality for all.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): At the outset, I would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his comprehensive briefing on his latest report on the implementation of the Peace Agreement on Bosnia and Herzegovina (S/2017/922, annex). Egypt stresses its full support for the mandate of the High Representative and his efforts to assist Bosnian authorities to overcome the challenges.

Egypt welcomes all efforts to maintain stability in Bosnia and Herzegovina and its unity, with all its ethnic and cultural components. We are cognizant of the important role played by the European Union (EU)-led stabilization force in achieving that objective. Accordingly, we welcome the unanimous adoption of resolution 2384 (2017) today. That sends a strong message from the international community to the Bosnian people that we are committed to maintaining stability and security in Bosnia and Herzegovina and that we are committed to providing the necessary support to country to anchor its sovereignty, unity and territorial Integrity.

Two decades after its signing, the General Framework Agreement for Peace in Bosnia and Herzegovina remains the cornerstone for institutional stability and sustainable peace. We express our deep concern about the great challenges to the Peace Agreement referred to in the report during the reporting period, especially resorting to inflammatory and divisive rhetoric. We call upon all political leaders to give precedence to the political interests of the Bosnian people over any other considerations. We call upon

them to rise above narrow political and ethnic interests that undermine any progress and stability. We call upon them to engage in serious political consultations to discuss the proposed amendments to the election law in Bosnia, which would prevent a potential political crisis.

Those events coincide with what the report referred to as limited progress towards the implementation of the 5+2 plan to close the Office of the High Representative, especially regarding the registration of defence property in addition to the rejection by the Serbian entity to increase the budget allocated to State institutions, which adversely affects the sustainability of financial policies. Egypt stresses its full support to the Office of the High Representative with respect to what was provided for in the Dayton Peace Agreement and the relevant Security Council resolutions. We call upon the High Representative to intensify his efforts to implement the plan in full.

In conclusion, Egypt stresses the importance of respecting the unity, stability and territorial integrity of Bosnia and Herzegovina, the respect of its national Constitution and of all decisions and verdicts of the judiciary by all parties to solidify stability. Egypt welcomes the recent positive developments, especially the improved relations with neighbouring countries and the improvement of some of the economic indicators. We call upon the people of Bosnia and Herzegovina to strengthen social cohesion and political consensus to move forward with peace efforts and reforms. In addition, we call upon the international community to continue its efforts to support Bosnia and Herzegovina, which would have a positive effect not only on the stability of Bosnia and Herzegovina but on the stability of the entire region of the Balkans.

Mr. Hickey (United Kingdom): I thank Mr. Inzko for his report (S/2017/922, annex) and his briefing. He has the full and continuous support of the United Kingdom.

I want to begin by warmly welcoming the unanimous adoption of resolution 2384 (2017) this morning. I pay tribute to you, Mr. President, and to your delegation for your excellent efforts as penholder. This adoption is a welcome show of the Security Council's continued support for the vital work of the European Union (EU)-led peacekeeping force Althea and a clear sign of our commitment to Bosnia and Herzegovina's stability, security and territorial integrity. It is a commitment that we now look to the Bosnian authorities to match. They must do so in word and deed as they undertake the vital reforms necessary to bring about the social and economic renewal that the country needs, and which is so essential to Bosnia's future within the European Union.

Bosnia and Herzegovina made good progress towards that goal in 2016, and the delivery of the EU questionnaire in December was recognition of that fact. However the promise and potential of 2016 has not materialized this year. Instead, this year has seen the pace of reform slowing markedly, and divisive rhetoric and premature electioneering only increasing. It is those negative trends that are now dominating the political landscape, despite the elections being over 10 months away. When that sort of narrow-minded, divisive electioneering takes hold, nobody gains. All Bosnians lose out. We need only look to the tens of millions of dollars in funding from the International Monetary Fund that are currently on hold. Bosnia and Herzegovina has failed to fulfil its responsibilities; if it had done so, that funding would be released. The money could be used to make considerable progress on the reform path. It would transform Bosnia for the better — building roads and other vital infrastructure that would benefit all. Let us all encourage the Bosnian authorities to refocus on the reform agenda to deliver socioeconomic reforms that would improve the lives of their citizens. Divisive, backwards-looking rhetoric only distracts from that essential work, and will only slow the country's progress.

As a long-standing friend of Bosnia and Herzegovina, the United Kingdom calls on all the parties to stop looking to the past and instead look forward to a shared future. If they do so, they will have the United Kingdom's support. We stand ready to work with the authorities to make progress on those critically important issues.

As the High Representative said just now, a crucial element of that effort must be to promote and uphold the rule of law, including through a well-functioning independent judiciary. We call on all political and judicial leaders to avoid actions that undermine the standards of judicial impartiality and integrity.

Ahead of next year's elections, we also urge all parties to approach the issue of electoral reform through dialogue and to show willingness to reach a compromise. The authorities must work towards the implementation of judgements handed down by the European Court of Human Rights. No one should be excluded from

political office at any level of Government based on their ethnicity or residence.

I would like to reiterate today the need for the Bosnian authorities to find a resolution to the long-standing impasse concerning local elections in Mostar. It is absolutely extraordinary that the citizens of Mostar have now been denied their democratic rights for nearly a decade. That cannot continue, and Mostar must remain a single, coherent multi-ethnic unit of local self-government.

Before I conclude, I would like to express the United Kingdom's support for reform, not just as a means of generating prosperity for Bosnia and Herzegovina, but also as a means of ensuring security for the country through Euro-Atlantic integration. In order to make progress towards that goal, it is vital that Bosnia and Herzegovina undertake further efforts on registering defence property, which is needed for the activation of the NATO membership action plan and for progress on the 5+2 agenda. But until that agenda is completed, we remain committed to the continuing role of the High Representative and his Office. The Office of the High Representative remains the final authority in-theatre with regard to the civilian implementation of the Peace Agreement. That includes supporting the use of Bonn powers if the situation requires it.

Therefore, both Operation Althea and the High Representative have a vital role to play in Bosnia and Herzegovina until stability and security are firmly entrenched. That day is not yet here, and it is therefore essential that the Security Council continue its support for both until that moment arrives.

Mr. Kawamura (Japan): I thank High Representative Inzko for his informative briefing. Japan continues to appreciate Mr. Inzko's important role in supporting peace and stability in Bosnia and Herzegovina. We also welcome the unanimous adoption of an extended mandate for the European Union-led peacekeeping force, which plays a pivotal role in maintaining peace in the country.

All ethnic groups in Bosnia and Herzegovina share a common position on joining the European Union (EU). Japan strongly supports the Government's efforts in the country's accession process towards membership in the EU and NATO. We welcome progress on regional cooperation, which can be seen in the signing of the EU transport community treaty in September. Japan calls for further accelerated efforts on the country's EU candidacy through the submission of answers to the European Commission's questionnaire by the end of the year.

We note, however, that the Government's efforts on economic reforms have not been sufficient. We hope to see progress in efforts on a fuel-tax bill, including addressing the serious unemployment situation, especially for young people, and measures to create an environment conducive to foreign investment. In that regard, at the Japan-Bosnia Herzegovina Foreign Ministers meeting on 1 October in Tokyo, Foreign Minister Kono of Japan particularly stressed the importance of improving the investment environment.

Next October's elections and campaigns provide a prime opportunity to solidify national unity and inclusiveness among different ethnic groups, and they should in no way be an occasion for ethnically based actions and rhetoric. Japan strongly hopes that electoral reform will move forward based on consensus and inclusivity among ethnic groups in order for fair elections to be held on schedule.

As I did in our previous debate (see S/PV.7943), I unfortunately must reiterate Japan's deep disappointment over a number of ethnically divisive developments in Bosnia and Herzegovina. We are particularly concerned by actions, such as the Republika Srpska National Assembly's adoption of a resolution on the protection of the constitutional order and on the military neutrality of the Republika Srpska, which have a negative impact on Bosnia and Herzegovina's sovereignty and territorial integrity. We also emphasize that actions by Republika Srpska's leaders to undermine the authority of the High Representative are not only politically unacceptable, but they are also violations of the Dayton Agreement. The international community must continue to convince the leaders of the Republika Srpska that containing nationalism and separatism are crucial for people's peace and prosperity. The High Representative and his Office, the Peace Implementation Council and the Security Council all have important responsibilities and roles to play in this area.

Since the end of the conflict, Japan has provided over $500 million to support Bosnia and Herzegovina, both now and into the future. Recent efforts include demining, agricultural development in Srebrenica, the installation of a flue-gas desulphurization plant to fight pollution in Republika Srpska, the development of shared health- and physical-education curriculums for

all ethnic groups, and support for children of different ethnic backgrounds to learn sports together in Mostar.

While December will be Japan's final month on the Security Council during its current term, it will remain a core member of the Peace Implementation Council. We will continue to contribute to reconciliation, acting as a neutral party among ethnic groups, while fully supporting Mr. Inzko and his Office.

Mr. Wu Haitao (China) (*spoke in Chinese*): I thank High Representative Inzko for his briefing.

Bosnia and Herzegovina is an important country in the Balkans. To maintain its peace and stability, promote economic and social development and achieve harmonious coexistence among the various ethnic groups is in the common interests of the countries of the region and of the international community.

On the Bosnia and Herzegovina issue, the international community should listen to the views of all relevant parties, take a balanced and prudent approach and hear the concerns of all interested parties. China respects the independence, sovereignty, national unity and territorial integrity of Bosnia and Herzegovina, respects the choice of the Bosnian people in determining their future, and supports Bosnian people of all ethnicities in achieving harmonious coexistence and common development.

China welcomes the efforts of Bosnia and Herzegovina aimed a promoting national reconciliation, encouraging economic and social development and strengthening the rule of law. We hope that Bosnian people of all ethnicities will work actively to consolidate the political and social progress achieved, engage in dialogue and consultation to settle differences, completely implement the Dayton Peace Agreement and continue to strive for greater progress in all areas so that they can all share in the peace dividend.

China welcomes the efforts of High Representative Inzko aimed at promoting the political process in Bosnia and Herzegovina. We hope that, in accordance with his mandate, he will play a constructive role in promoting the implementation of the Dayton Peace Agreement.

China welcomes the Security Council's adoption of resolution 2384 (2017) to renew the mandate of the European Union-led peacekeeping force (EUFOR) Althea operation. We hope that EUFOR will continue to maintain close cooperation with Bosnia and Herzegovina and play a constructive role in safeguarding its peace and stability. China stands ready to work with the international community in order to continue to contribute to the achievement of lasting peace and stability and development in Bosnia and Herzegovina.

Ms. Guadey (Ethiopia): I would like to begin by thanking Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his comprehensive briefing on the latest report (see S/2017/922, annex) on the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina. We welcome the unanimous adoption of resolution 2384 (2017), renewing the mandate of the European Union-led peacekeeping force (EUFOR) Althea operation, and we are grateful to Italy for its role as penholder in facilitating the negotiation of the draft resolution.

We would like to once again affirm our support for Bosnia and Herzegovina's sovereignty, territorial integrity and unity. We take note of the positive developments, such as the signing of a transport community treaty with the European Union and five other Western Balkan countries, as indicated in the report of the High Representative. We believe that such progress will help to promote the stability and prosperity of the country and the region at large. We also take note of the continuing exchanges of visits by high-level officials and political leaders of the countries in the region, which we believe will strengthen good-neighbourly relations and enhance cooperation in the Western Balkans.

We are nevertheless concerned about some of the reported developments undermining Bosnia and Herzegovina's political stability, particularly the divisive rhetoric and actions that continue to challenge the constitutional order and integrity of the country's judiciary at the State level. In that regard, we call on all authorities and political leaders to fully respect the decision of the Constitutional Court. Respect for the rule of law and the authority of State institutions established under the Dayton Agreement is fundamental to the State-building process, and it is therefore vital that all parties refrain from any provocative statements and actions that could undermine Bosnia and Herzegovina's sovereignty, territorial integrity, cohesion and constitutional order.

We also take note of the disagreement over changes to the electoral law in Bosnia and Herzegovina. We believe that the issue must be handled very carefully, since it has the potential to affect the formation of a

Government after the next election cycle and undermine the country's institutional continuity and stability. It is our hope that the ruling of the Constitutional Court after its review of the country's election law will be implemented in a manner consistent with the provisions of the Dayton Agreement. We also encourage the parties to engage in serious political dialogue to address their differences over the electoral reform issue, which would be particularly appropriate in the light of the upcoming general elections in 2018.

In conclusion, we would like to express our support to the High Representative and his office in carrying out their mandate to monitor the implementation of the civilian aspects of the Dayton Agreement. We call on all the parties to extend the cooperation essential to the work of the High Representative. We also recognize the vital role played by the European Union's military mission in Bosnia and Herzegovina, EUFOR Althea, in maintaining the safety and stability of the country.

Mr. Ciss (Senegal) (*spoke in French*): I too would like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for the very detailed report (see S/2017/922, annex) he has just presented to us, and, on behalf of Senegal, to hail the Security Council's unanimous adoption of resolution 2384 (2017), which extends the mandate of the European Union-led peacekeeping force Althea operation for a further 12 months. My delegation would also like to express its appreciation to the Italian presidency for convening this meeting and giving us an opportunity to discuss the High Representative's report. We would like to make some comments on its political, economic and institutional aspects.

On the political front, despite various ongoing problems, progress has definitely been made with the adoption by the presidency of Bosnia and Herzegovina's of its defence review document and its integration into NATO, as well as the official signing of the Protocol on the adaptation of the Stabilization and Association Agreement with the European Union, and the conclusion of a transport community treaty with the European Union.

Despite those positive steps, it must be said that the General Framework Agreement for Peace has been undermined by the activities of the Republika Srpska in particular, which has attempted to interfere with the Constitutional Court's ruling that the results of the referendum of 25 December 2016 were unconstitutional. My delegation affirms its support to respect for the sovereignty and territorial integrity of Bosnia and Herzegovina, as guaranteed by the Dayton Agreement, by Bosnia and Herzegovina's constitution and international law. We believe that such developments represent a challenge to the constitution of a country that is in need of the exact opposite — a calm atmosphere and frank dialogue with the entire community with strict regard for the Constitution and the law. In that regard, Senegal also urges all the parties to engage in political dialogue and make good-faith efforts to ensure that the 2018 elections are conducted under good conditions.

With regard to the economy, Senegal commends Bosnia and Herzegovina's progress, while emphasizing that it must be consolidated and built on in order to foster harmonious development, stability and the well-being of the people. We therefore encourage all three ethnic groups to work more closely together and to pursue their shared desire for coexistence, the test of a stable, strong and peaceful State that participates fully in the community of nations.

We also affirm our support for the High Representative and call on all the parties to cooperate with him. As his report makes abundantly clear, the presence of the European Union-led military mission in Bosnia and Herzegovina, with its executive mandate, is as important as ever insofar as it enables the High Representative and other international players to implement their respective mandates and ensure the safety and security of every ethnic group in Bosnia and Herzegovina.

Turning to the issue of the fight against terrorism, which is one of the problems facing Bosnia and Herzegovina, particularly in a situation featuring the problems of foreign terrorist fighters and complex flows of migrants, which continue to add to the challenges to the security of the country and the entire region. Needless to say, it will be impossible to achieve concrete results in the fight against terrorism without strengthening the necessary cooperation at every level between the authorities of the various area of the country. In our view, the international community must continue to support Bosnia and Herzegovina's efforts in order to help it show greater resilience in dealing with its ongoing socioeconomic problems. The same is true with regard to strengthening its defence and security forces so that they will eventually be able to

overcome their operational and strategic deficiencies in a situation where the threat of terror continues.

In conclusion, I would like to once again encourage the international community, and the Security Council in particular, to continue to engage and cooperate on the situation in Bosnia and Herzegovina in order to ensure that it can continue to move forward, as it has for more than 20 years.

Mr. Safronkov (Russian Federation) (*spoke in Russian*): We would like to share our thoughts with you, Mr. President, on the report of the High Representative for Bosnia and Herzegovina (see S/2017/922, annex). In our opinion, of all the reports Mr. Inzko has submitted to the Security Council since 2009, this is the most biased. To a lesser extent, the document refers to the implementation of the General Framework Agreement, but essentially it forms part of the tendentious and biased attacks on the Republika Srpska that a number of delegations in this Chamber have unfortunately already seized on. There is only one thing to be gleaned from the report, which is that the Bosnian Serbs alone are to blame for all of Bosnia and Herzegovina's problems. It is clear to anyone even slightly familiar with the situation in Bosnia that the picture painted by the High Representative is a long way from the truth and very misleading, and testifies to the fact that its author has lost touch with reality.

We are deeply disturbed to see that Mr. Inzko has entered the realm of blatant Serbophobia and that his daily activity has been reduced to improving his relations with Banja Luka and lobbying for Euro-Atlantic integration for Bosnia and Herzegovina, in contravention both of his mandate and internal political realities in the host country. I will say straight out that we should not be engaging in hostilities but carrying out our duties conscientiously. That approach requires fostering national reconciliation processes, mutually respectful internal political dialogue, compromise and consensus and, of course, respectful consideration of the views of all the parties. Mr. Inzko should bear in mind that in Bosnia and Herzegovina he represents the entire international community, not the individual members of his own choosing. He has to conduct agreed-on policy, not carry out somebody's individual instructions or be guided by personal hostility.

However, let us get to grips with the reality of the situation in Bosnia and Herzegovina, whose main feature is a deep internal political crisis at both the Bosnian level and in the Federation of Bosnia and Herzegovina, founded on the absence of any equal or mutually respectful dialogue among the three constituent peoples. Strangely enough, the High Representative failed to underscore that in his report. It is exactly that absence of genuine inter-ethnic interaction that is creating problems in the functioning of Government bodies, hindering the process of implementing essential socioeconomic reforms — including, incidentally, the European agenda — and compelling local ethnic communities to undertake additional efforts to establish and protect the equality and broad autonomy guaranteed by the Dayton Agreement.

The Peace Agreement signed in Paris in 1995 contains a fully functioning set of rules and conditions for the functioning of Bosnia and Herzegovina that has no need of outside interference. Every decision should be the result of internal political dialogue and consensus. That applies to one of the current priority issues, the reform of the electoral laws, which should be based on respect for one of the key Dayton provisions, equality for all peoples. That same principle should also be observed in the Bosnia and Herzegovina justice system, about whose fairness, independence, impartiality and effectiveness many serious questions have been raised, one revealing example being the Court of Bosnia and Herzegovina's recent decision in the case of the Bosniak commander Naser Orić during the Yugoslavian conflict. It is surprising that in his report Mr. Inzko decided not to dwell on issues that are matters of such urgency for the citizens of Bosnia and Herzegovina, who are clearly losing faith in justice. He completely fails to mention the systemic problems in the special services at the Bosnian level, which are giving two of the constituent peoples reason for concerns about their independence from political pressure, their impartiality and their due national representativeness.

We do not agree with Mr. Inzko's theme of blaming the Bosnian Serb leadership for undermining Dayton. In its alternative report to the Security Council, the Republika Srpska clearly and unequivocally articulated its commitment to Dayton and the integrity of Bosnia and Herzegovina, presenting a well-reasoned position on the country's key issues that differs from that of the High Representative. We recommend that Council members not dismiss this document but rather read it carefully, especially since it was circulated in New York in advance of the meeting, in contrast to the report of the High Representative.

This issue also applies to the High Representative's reaction to the Republika Srpska National Assembly's adoption on 17 October of a resolution on military neutrality, which far exceeded the comments from NATO headquarters in Sarajevo. We do not see why the highest representative body of that entity cannot democratically inform the Bosnian federal authorities of its position on a very painful issue for Bosnian Serbs that is also one of the most hotly debated questions in Bosnia and Herzegovina — its rapprochement with NATO. It should not be ignored.

In the light of all of this, one thing is clear. The external protection mechanism, in the person of the High Representative, has outlived its usefulness. It is not playing a positive role in the settlement process but is rather introducing unnecessary tension and engaging in matters unrelated to his mandate under the pretext of advancing Euro-Atlantic integration. We propose considering the practical aspects of shutting down the Office of the High Representative, including taking into account the 5+2 programme. That proposal was approved in 2008, but the Office continues to function. Major steps to reduce its budget and staff are clearly required.

We should be focusing on the future agenda for Bosnia and Herzegovina rather than on protectorate forms of influence. That focus should be on an unconditional transfer of all responsibility, without any exceptions, to the local authorities. That should include the judiciary, where there are still three foreign judges presiding over the Constitutional Court of Bosnia and Herzegovina, which calls the sovereignty of the country into question; promoting an equitable and mutually respectful internal political dialogue, as the only possible path to genuine national reconciliation; ensuring that international presences refrain from interfering in local affairs, as happened in the recent decision of the High Judicial and Prosecutorial Council on vetting judicial officials; and rejecting unilateral sanctions as a tool for putting pressure on objectionable individuals, which only increases tension. Those are the things that the Security Council should be discussing.

Russia has traditionally maintained friendly relations with all the peoples of Bosnia and Herzegovina and the Balkans generally. The region should be a platform for collaboration and constructive cooperation on goals that unite us all, such as strengthening peace, security and stability in the country and region, and which are becoming increasingly urgent, especially in the light of the terrorist threat in Europe.

In conclusion, we would once again like to express our gratitude to the authorities, political stakeholders and civic organizations of the Republika Srpska for their unveiling of a memorial to Vitaly Ivanovich Churkin, who, first as Special Representative of the Russian President and then as Permanent Representative of Russia to the United Nations, made a tremendous contribution to the stabilization of the situation in the region.

Mr. Inchauste Jordán (Plurinational State of Bolivia) (*spoke in Spanish*): Bolivia welcomes the report (see S/2017/922, annex) presented by Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and the Security Council's unanimous adoption of resolution 2384 (2017). The Council's support for the extension of the European Union-led peacekeeping force Althea operation shows its willingness to defend security and stability in Bosnia and Herzegovina and respect its sovereignty, independence and territorial integrity, as well as its support for the Dayton Agreement. We hope that Althea will continue to cooperate closely with Bosnia and Herzegovina and to play a constructive role in maintaining peace and stability in the country within the framework of its mandate.

We also commend the positive political developments in Bosnia and Herzegovina during the reporting period, particularly, the steps taken to implement the reform agenda and the signing of a transport community treaty by Bosnia and Herzegovina, the European Union and five other Balkan countries. Those efforts are a testimony to the commitment of the Government of Bosnia and Herzegovina to continuing to undertake the reforms needed to foster stability and contribute to initiatives aimed at achieving the development and stability the country wants. In that regard, we urge the authorities to focus on those aspects and to intensify their efforts to implement the 5+2 agenda, which is a prerequisite for the closure of the Office of the High Representative.

While we also welcome the progress that Bosnia and Herzegovina has made with economic development, we are concerned about the continuing challenges on the political front, which represent a major threat to Bosnia and Herzegovina's territorial integrity and sovereignty whose repercussions could put not just the country but the entire region of the Balkans at risk. In that regard, we encourage all the country's political

leaders to put the interests of the Bosnian people before their own ethnic political concerns. We appeal to all those leaders to deal with these challenges in a spirit of consensus and in an atmosphere of inclusion in which all Bosnian political parties are full participants, in line with the Dayton Peace Agreement, which remains the legal basis and benchmark for stability and the peaceful resolution of disputes between the parties in their quest for lasting peace. In that regard, we should emphasize the importance of ensuring that all the parties respect Bosnia and Herzegovina's sovereignty, territorial integrity and Constitution, as well as the decisions handed down by its judiciary with regard to the rule of law. We also urge political leaders and all parties to refrain from engaging in divisive nationalist rhetoric.

Lastly, we reiterate our support to all the peoples of Bosnian and Herzegovina in living together in harmony for their shared development. We call on the international community to heed the concerns of all the parties concerned by taking a neutral, fair approach with a view to leaving the divisions of the past behind.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): We would first like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his briefing today and for his most recent report *(see S/2017/922, annex)* to the Council. We also thank the Italian presidency of the Security Council for convening today's debate.

We welcome the Council's adoption today of resolution 2384 (2017), renewing the mandate of the European Union-led peacekeeping force (EUFOR) Althea in Bosnia and Herzegovina for another year. We appreciate the work that the Office of the High Representative is doing on the ground to promote the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, as well as the efforts of EUFOR Althea to ensure the country's political and social stability. The international community must continue to support the process of consolidating the Dayton Agreement.

As we have often said, Uruguay is a firm believer in strict respect for the principle of the sovereignty and territorial integrity of States enshrined in the Charter of the United Nations. Today, in that spirit, we reaffirm our support for Bosnia and Herzegovina's unity, territorial integrity and sovereignty. Respect for State institutions and for the rule of law represents the path to achieving a stable Bosnia and Herzegovina whose constituent communities can live side by side in peace. In that regard, Uruguay considers the rule of law and the authority of the institutions established under the 1995 General Framework Agreement for Peace to be crucial, and respect for them the road to stability and peaceful coexistence for Bosnia and Herzegovina. Bosnia and Herzegovina's political stakeholders must act responsibly and participate in a constructive dialogue that will enable them to overcome their differences, focusing on national reconciliation and on achieving the shared goals that can make Bosnia and Herzegovina strong and prosperous. Ensuring stability and development for Bosnia and Herzegovina and peaceful coexistence among all of its ethnic groups will benefit the international community generally and the region in particular.

I would like to make a few comments on some aspects of the High Representative's report and recent events. As the previous report did, it indicates that the Bosnia and Herzegovina authorities have made only limited progress towards meeting the requirements of the five objectives and the two conditions established by the Steering Board of the Peace Implementation Council as a prerequisite for the closure of the Office of the High Representative. It is therefore essential to underscore the importance of working to make headway on full compliance with the 5+2 agenda. Despite the lack of progress in some areas, we should also emphasize that Bosnia and Herzegovina has taken some measures aimed at implementing its reform programme, which is a positive step, making progress in carrying out the July 2015 reform agenda, which focuses on socioeconomic issues that directly affect citizens, and taking some steps towards integration with the European Union. However, there is still much work to be done to strengthen the rule of law and improve the country's overall political climate.

It will also be essential to tackle these reforms before the start of the election campaign scheduled for October 2018. The parties concerned in Bosnia and Herzegovina and the international community must all support every effort to promote peace and stability in Bosnia and Herzegovina. In that regard, Uruguay reiterates its desire to see a stable, sovereign Bosnia and Herzegovina where all of its citizens can live in peace and work for the common good.

Mr. Tumysh (Kazakhstan): My delegation welcomes the Council's renewal of the mandate of the European Union-led peacekeeping force (EUFOR)

Althea in Bosnia and Herzegovina for another year, and would also like to thank High Representative Valentin Inzko for his update.

While the transition process is still ongoing, some progress has been made in Bosnia and Herzegovina in terms of building strong State institutions, inclusive dialogue and democratic procedures, as well as in working towards progress and an impartial judiciary. The focus must also remain on the economy, as it will be important to attract foreign direct investment and create jobs and to formulate common strategies for energy, agriculture and employment. Kazakhstan therefore welcomes Bosnia and Herzegovina's signing of a transport community treaty with the European Union (EU) and five other States of the Western Balkans, which opens up major opportunities for the security-development nexus in, for example, the infrastructure and transport sectors, and for doing business with large regional and international partners and stakeholders and moving consistently towards integration in the EU.

We believe that for socioeconomic reforms to be successfully implemented, Bosnia and Herzegovina's strategic development depends directly on the political climate and on guarantees of peace and stability. In that regard, I should add that the country's sovereignty and territorial integrity should never be challenged. The country is preparing for the main elections in October 2018, and all parties must focus their efforts on continuing a political dialogue to discuss potential amendments to the election laws, with further adoptions on agreed dates. We call on the leaders of all the parties concerned to implement the General Framework Agreement for Peace and observe all provisions and procedures that are integral to that settlement, including the rulings of the Constitutional Court.

We welcomed the political will shown by the Serbian leaders who visited Sarajevo in September. We also believe that direct contact with the leadership in neighbouring States is the most effective way to promote dialogue and trust between the parties. As a general principle, my delegation welcomes the positive ongoing dialogue between the Governments of Bosnia and Herzegovina and Serbia, with regular high-level contacts, and encourages the parties to continue.

On other fronts, efforts must also be focused on converting defence properties into State and civilian structures, ensuring greater fiscal responsibility and sustainability, strengthening the Parliamentary Assembly and developing media and broadcasting communications.

The country needs further support in improving its energy system and infrastructure, foreign trade, economic relations and other areas of social and economic development. The issue of returning and resettling refugees and displaced persons will also have to be addressed. Most of all, the engagement of civil-society organizations and grassroots movements, and the participation of women, young people and representatives of other vulnerable groups, will also be critical to swiftly achieving social harmony and building intercommunal trust and confidence.

Finally, the noble task facing Bosnia and Herzegovina is that of improving the daily lives of citizens and promote reconciliation. We believe that the progress achieved on the European Union integration track will be a catalyst for reconciliation and help to resolve long-standing issues and address the various reforms.

Mr. Yelchenko (Ukraine): Ukraine aligns itself with the statement to be delivered later today on behalf of the European Union (EU).

I thank High Representative Valentin Inzko for his briefing and report (see S/2017/922, annex), which is as objective as usual. I also reiterate Ukraine's full and continued support for his efforts to assist the authorities of Bosnia and Herzegovina in overcoming the challenges they face, including implementing the General Framework Agreement for Peace in Bosnia and Herzegovina. The role of the High Representative, while always pivotal, will be particularly important next year, in view of the upcoming 2018 general elections. Ukraine would like to take this opportunity to call on the Government of the Republika Srpska to resume its cooperation with the High Representative and refrain from intimidating his team.

Ukraine welcomes the Security Council's unanimous adoption today of resolution 2384 (2017). The Council's united position sends a strong message of support to the people and leaders of Bosnia and Herzegovina, as well as for the activities of the European Union-led peacekeeping force Althea. Today's resolution also represents a united call on Bosnia and Herzegovina to step up its efforts to complete the 5+2 agenda, refrain from polarizing policies and rhetoric and continue to work to implement comprehensive reforms. In our view, along with further actions aimed at European and

Euro-Atlantic integration, those steps will contribute to building a stable and prosperous country for the benefit of all its citizens.

Ukraine looks forward to the day when Bosnia and Herzegovina becomes a fully fledged member of the European Union. We welcome the progress that has been made in that direction with the signing in September of a transport community treaty with the EU and five other Western Balkans countries, as well as the ongoing work on compiling answers to the European Commission's questionnaire. Given the existing support of the people of Bosnia and Herzegovina for European integration, we sincerely believe that this foreign-policy objective could unite both entities.

We echo the concerns of the High Representative about some irresponsible decisions by the Republika Srpska National Assembly, even if some of them have recently been reversed. On a positive note, we are glad that the threat of holding a referendum on the status of the Republika Srpska has reportedly been taken off the table for the time being. I would like to take this opportunity to reiterate Ukraine's full support for the sovereignty and territorial integrity of Bosnia and Herzegovina, and to underscore that its entities have no right to secede. Ukraine strongly supports the position of the High Representative on the resolution on the protection of the constitutional order and assuring the military neutrality of the Republika Srpska, adopted by the Republika Srpska National Assembly in October. We are also concerned about the possibility that this resolution would, in effect, favour a division of Bosnia and Herzegovina, and we cannot support attempts to undermine the General Framework Agreement and Bosnia and Herzegovina's constitutional order.

Next year will be a very challenging one for Bosnia and Herzegovina. Preparations for the upcoming 2018 general elections have already started a full year ahead, with very divisive actions and rhetoric. Despite the existing problems related to indirect elections, the parties in the State Parliament have not yet begun a serious political dialogue to discuss potential amendments to the election law addressing that issue. Other potential or actual problems include the rejection of the authority of the Court of Bosnia and Herzegovina and its Office of the Prosecutor in the Republika Srpska and the continued attempts by its authorities to make decisions on foreign policy, as well as many others. If those challenges are not addressed in a comprehensive and consensual way, with the participation of all sides, the political gains made since the conclusion of the Dayton Agreement will be undermined.

I therefore call on the political leaders of all sides to refrain from divisive rhetoric and to concentrate on the real issues, where progress is so desperately needed. It particular, it will be vital to continue efforts to implement the reform agenda, which include social, economic, rule-of-law and public-administration reforms. It will also be important to show progress in the functioning of the judiciary, in combating corruption and organized crime and in countering radicalization and terrorism. As we enter the third decade of the peace process, the Council has an obligation to provide all the necessary political support to ensure further peace and development in Bosnia and Herzegovina. It is crucial to ensure that any attempts to encroach on Bosnia and Herzegovina's independence, unity, sovereignty and territorial integrity are resolutely addressed and prevented.

Ms. Tachco (United States of America): I would like to thank High Representative Inzko for his update on Bosnia and Herzegovina. The Office of the High Representative has played a critical role for more than 22 years in helping Bosnia and Herzegovina move towards peace and prosperity and promoting the security and stability of the region. I would like to thank the High Representative sincerely for his great service and excellent and impartial reporting, and to convey our continuing support for his Office's mandate, as the final authority for interpreting the civilian implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina. We welcome the language in resolution 2384 (2017), adopted today, reaffirming his mandate. His role continues to be pivotal, especially as Bosnia and Herzegovina looks towards general elections in 2018 and contends with political divisiveness that threatens to undermine the gains made under the Agreement.

The continuing challenges highlighted in the most recent report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina (see S/2017/922, annex) underscore that the Council must remain vigilant in the face of those who seek to weaken the constitutional order of the single State of Bosnia and Herzegovina. The United States remains dedicated to upholding the Dayton Peace Accords, respecting the sovereignty and territorial integrity of Bosnia and Herzegovina and promoting its continued European and Euro-Atlantic integration.

We commend the continued work of the European Union-led peacekeeping force Althea and NATO in promoting security and capacity-building in Bosnia and Herzegovina. We fully support the renewal of Althea's mandate and the important mentorship role that NATO headquarters in Sarajevo plays in helping to implement the defence review and modernization plans.

The United States urges for continued progress towards integration with both NATO and the European Union (EU). It will require vision and political will. It will also require real follow-through on commitments, such as defence property registrations and full and timely completion of the EU questionnaire. We urge all parties in Bosnia and Herzegovina to stay focused on the much-needed reforms, including on the political, socioeconomic and electoral fronts. The Government must work to enhance the rule of law, tackle corruption and improve the overall political climate in the country for the benefit of all citizens of Bosnia and Herzegovina. Tackling such reforms now, before the 2018 election cycle, is critical. Bosnia and Herzegovina's leaders must do everything possible to ensure that the electoral code complies with the relevant rulings of both the European Court of Human Rights and the Constitutional Court.

In advance of next year's election, we also urge all parties in Bosnia and Herzegovina to avoid divisive rhetoric that hardens political differences and exacerbates ethnic divisions. We share many of the concerns raised by the High Representative about the actions of anyone who seeks to erode State-level institutions, whether by ignoring the decisions of the Constitutional Court or by acting outside the established decision-making process. United States sanctions against Republika Srpska President Milorad Dodik should serve as a warning to those who seek to undermine the stability of Bosnia and Herzegovina. The Council should remain united behind the territorial integrity and sovereignty of Bosnia and Herzegovina, its two entities and three constituent peoples. Likewise, it should support those who seek to protect the State Constitution and the tenets of the Dayton Peace Accords.

Once again, we look forward to the day when Bosnia and Herzegovina meets the objectives and conditions established by the Peace Implementation Council for the closure of the Office of the High Representative. We look forward to a time when we can say with absolute confidence that Bosnia and Herzegovina has fully implemented the Peace Agreement and is now a "peaceful, viable State, irreversibly on course for European integration". But that day has not yet arrived. We encourage Bosnia and Herzegovina's leaders and all members of the international community to support the actions and reforms needed to reach that milestone. Until that time, the international community must deliver on its commitments to the Office of the High Representative to help ensure that it fulfils its mandate.

The President: I shall now make a statement in my capacity as representative of Italy.

I thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his briefing and his work.

Italy also aligns itself with the statement to be delivered by the observer of the European Union.

Today, the Security Council unanimously renewed not only its support for the European Union-led peacekeeping force (EUFOR) Althea, but also its appeal to Bosnia and Herzegovina to speed up the pace of reforms, in line with European integration perspective. Italy firmly supports the European Union (EU) path chosen by Bosnia and Herzegovina and will continue to assist the country in achieving that goal. Important progress has been made thus far, demonstrating the commitment of all parties to reach that common goal. Authorities at all institutional levels have been working on the European Union Commission opinion questionnaire this year, which is the first step towards achieving the status of candidate member of the European Union. We encourage them to redouble their efforts so as to ensure coordinated and harmonized answers to the questionnaire.

We regret that the pace of social and economic reforms has been slowing down rather than accelerating over the past several months. The demands of all citizens for a better future deserve to be met, and urgently. The leaders of the country have already showed their ability to deliver when working together in the best interest of Bosnia and Herzegovina. Devisive actions and rhetoric rooted in the past are not serving that interest. On the countrary, they are stalling a reform process that had an encouraging start.

Regaining momentum in the implementation of the reform agenda is needed now more than ever to unblock the assistance of the International Monetary Fund and the European Union, which remains crucial to shoring up the process and to substantially improving the lives of all the people of Bosnia and Herzegovina. That

being the main priority, we call on all parties to discuss seriously and in a spirit of dialogue and consensus the measures needed to improve the electoral framework pursuant to the ruling issued by the Constitutional Court of Bosnia and Herzegovina in December 2016. It is paramount that next next year's election be conducted smoothly and allow the formation of renewed democratic bodies able to resume the reform process effectively and immediately and to steadily move towards the European Union.

Many challenges still lie ahead — strengthening the rule of law justice, the fight against corruption and the prevention of radicalization being some of the most significant — but through political will and unity of intent, they can be addressed successfully. Citizens' trust in institutions must be restored by offering, especially to young people, real opportunities to build a future in their home country. We commend recent efforts aimed at consolidating regional relations, and welcome Bosnia and Herzegovina's decision to sign the Transport Community Treaty — an important step towards regional integration achieved at the summit on the Western Balkans, which Italy hosted in Trieste last July. All Western Balkans countries should continue working in that direction, which we deem to be essential as they move closer to the European Union.

I will conclude by recalling that our support for Bosnia and Herzegovina is grounded on the respect for its sovereignty, unity and territorial integrity enshrined in the Dayton Peace Agreement. We urge the country to take forward the 5+2 agenda established by the Peace Implementation Council for the closure of the Office of the High Representative. We reiterate our full support for EUFOR Althea and look forward to it strategic review. We stand ready to discuss, in the appropriate forum, a possible reconfiguration of the international presence in Bosnia and Herzegovina as its stability continues to be consolidated and the country moves forward in its European Union integration process.

I now resume my functions as President of the Council.

I give the floor to the representative of Bosnia and Herzegovina.

Mr. Vukašinović (Bosnia and Herzegovina): At the outset let me congratulate you, Sir, on assuming the presidency of the Security Council for the month of November, and wish you and your delegation every success.

We welcome Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, and have taken note of his report on the situation in Bosnia and Herzegovina (S/2017/922, annex), covering the period from 22 April to 21 October.

Bosnia and Herzegovina welcomes the adoption of resolution 2384 (2017), extending the mandate of the European Union-led peacekeeping force (EUFOR) Althea for an additional 12 months. It is important to emphasize that Bosnia and Herzegovina, as a host country, has enjoyed respectful and constructive cooperation with EUFOR Althea, particularly in capacity-building and the training of the armed forces of Bosnia and Herzegovina, which have contributed to strengthening national ownership.

The situation in Bosnia and Herzegovina has been peaceful and calm for a long period of time, which has been regularly reflected in the reports of EUFOR Althea and in the relevant resolutions of the Security Council. EUFOR Althea is mandated to support the implementation of the military aspects of Peace Agreement and to ensure compliance with annexes 1-A and 2 of the General Framework Peace Agreement. Over the past few years, in order to correspond to the situation on the ground, EUFOR Althea has been reconfigured, while its primary focus has shifted from deterrence and activities in providing a safe and secure environment to the capacity-building and training of the armed forces of Bosnia and Herzegovina.

Bosnia and Herzegovina takes note of the readiness of the European Union (EU) to further calibrate the EUFOR Althea presence, bearing in mind the progress made in its EU integration process and taking into account the security situation on the ground.

In the reporting period, Bosnia and Herzegovina continued vigorous work on implementing the socioeconomic reforms necessary for its integration into the European Union. Bosnia and Herzegovina has further intensified its efforts to ensure the effective implementation of the reform agenda, in accordance with its action plan. Bosnia and Herzegovina has made significant progress in the EU integration process following last year's conclusion of the EU Council, inviting the European Commission to submit an opinion on the merits of Bosnia and Herzegovina's application. Bosnia and Herzegovina's authorities at all levels have coordinated their activities in the multifaceted labour of preparing answers to the questionnaire of the

European Commission. In that regard we reiterate our appreciation to the European Union for its unwavering commitment to Bosnia and Herzegovina's membership in the EU.

One of the most important goals of Bosnia and Herzegovina's foreign policy is the advancement of friendly and constructive cooperation among the countries of the region. The perspective of integration into the European Union continues to drive the transformation and modernization of the region through political and economic reforms. The EU perspective remains the crucial factor not only for regional cooperation but also for the stability of the Western Balkans. Cooperation within framework of the Berlin process, which provides assets for traffic and energy infrastructure, is particularly important to regional development.

The countries of the Western Balkans continue to hold regular meetings at the highest level, which generate a positive political atmosphere. At the latest Western Balkans summit, which took place in Trieste, Italy, on 12 July, leaders of Western Balkans States and high-level EU representatives adopted concrete measures to deepen cooperation in the field of economy, infrastructure and transportation. In that connection, we would like to stress that in September 2017 Bosnia and Herzegovina signed the Transport Community Treaty with the European Union.

Bosnia and Herzegovina has intensified its efforts to strengthen the rule of law in several key areas. In the reporting period, we continued to fulfil our international obligations with regard to countering terrorism, violent extremism and the phenomenon of foreign terrorist fighters. Bosnia and Herzegovina, in accordance with provisions of its amended penal code, continues to process individuals involved in fighting on behalf of terrorist organizations, as well as those facilitating the recruitment of terrorist fighters.

Bosnia and Herzegovina's judicial and security institutions have been implementing our strategy for preventing and combating terrorism. It is important to emphasize that the strategy, alongside security measures, includes preventive activities for deradicalization, undertaken by national stakeholders such as religious communities, educational institutions, civil society organizations and the media.

During the reporting period, Bosnia and Herzegovina's rule of law and security institutions made progress in combating organized crime, corruption and money-laundering. In that regard, we thank the European Union for providing significant support in capacity-building to the Bosnia and Herzegovina Agency for the Prevention of Corruption and the Coordination of the Fight against Corruption.

With respect to the international migrant crisis, the authorities of Bosnia and Herzegovina have undertaken a set of comprehensive measures, including in the humanitarian and security fields. Bosnia and Herzegovina has implemented its strategy in the field of migration and asylum, as well as a plan of action for the period 2016-2020. This document has specified Bosnia and Herzegovina policy in the field of migration and asylum, in accordance with the highest European and international standards.

As for processing war crimes before domestic courts, we would like to reiterate that fighting impunity at the local level is vital to Bosnia and Herzegovina as a complex and multinational State. In that context, implementing the national strategy for processing war crimes, regardless of the national or religious origin of the perpetrators or the victims, is essential for reconciliation and a long-term stability.

With regard to the economic situation, it is important to stress that Bosnia and Herzegovina's economy, like other economies of the region, has been affected by the global economic slowdown. However, Bosnia and Herzegovina's economy has grown at a solid pace. In the period from January 2016 to January 2017, Bosnia and Herzegovina's economy grew by 2.7 per cent. The current inflation rate is -0.2 per cent, which means that consumer prices have fallen slightly in comparison with the previous year.

It is important to mention that Bosnia and Herzegovina is actively contributing to international peace and security by providing its military and police personnel to United Nations peacekeeping missions. At this moment, we have around 40 personnel serving in United Nations peacekeeping missions worldwide. Bosnia and Herzegovina, as a current member of the Economic and Social Council, supports United Nations activities with regard to the promotion of the 2030 Sustainable Development Goals and encourages the mutual exchange of experiences in various aspects of the implementation of the Agenda.

Finally, we would like to express the readiness of Bosnia and Herzegovina's authorities to continue their

work to secure a better and prosperous future for its citizens. At same time, we would also like to express gratitude to our international partners for supporting Bosnia and Herzegovina on that path.

The President: I now give the floor to the observer of the European Union.

Ms. Adamson: I have the honour to speak on behalf of the European Union (EU) and its 28 member States. The candidate countries Turkey, the former Yugoslav Republic of Macedonia, Montenegro and Albania, as well as Ukraine, align themselves with this statement.

We thank the Security Council for unanimously adopting resolution 2384 (2017), renewing the mandate of the European Union-led peacekeeping force Althea in Bosnia and Herzegovina for one year. I join other speakers in welcoming High Representative Valentin Inzko back to the Council and in assuring him of the European Union's continued support. I also welcome the Permanent Representative of Bosnia and Herzegovina and thank him for his statement and his kind words about European Union support.

The year 2016 was an important one for the EU perspective of Bosnia and Herzegovina. Following the submission of the membership application by Bosnia and Herzegovina, the EU Council decided to ask the Commission's opinion regarding the membership application. This decision followed the commitment and readiness of Bosnia and Herzegovina to take difficult political decisions in order to deliver on the country's EU integration path, including by ensuring further meaningful progress in the implementation of the reform agenda — an ambitious set of socioeconomic, rule of law and public administration reforms. Together with our international partners, including the international financial institutions, we provided clear incentives to move forward with the necessary reforms aimed at progressively tackling the structural challenges that hold back the country's development. This year was thus expected to be marked by a continuous momentum in the reform process.

However, a year later, the EU regrets that divisive rhetoric rooted in the past and an early preoccupation with upcoming elections have, for most of 2017, slowed down the pace of reforms and affected the political climate. The authorities of Bosnia and Herzegovina at all levels of governance, including in both of the country's entities, need to translate commitments into concrete reforms in order to move the country forward on its EU integration path.

The initial implementation of the reform agenda has provided the first steps of structural adjustments to the economy of Bosnia and Herzegovina, but much remains to be done. Delays in the signature of the Transport Community Treaty — belatedly signed last September — and continuing uncertainty around the adoption of excise legislation, to name only two issues, have undermined the possibility for the country to receive further international financial assistance.

Still a year away from the general elections, the European Union continues to urge the authorities to step up the implementation of comprehensive reforms in an inclusive manner, to the benefit of all citizens. Additionally, the European Union calls on the institutions of Bosnia and Herzegovina to step up efforts regarding the functioning and the independence of the judiciary, the fight against corruption and organized crime, and the fight against terrorism and the prevention of radicalisation.

Political authorities ought in this respect to refrain from undermining the judiciary of Bosnia and Herzegovina and from commenting on sensitive judicial proceedings, for electoral purposes. It is their responsibility to create a dispassionate environment in which the judiciary can adjudicate effectively and independently. In turn, the highest judicial authorities of the country have to uphold appropriate standards of integrity and independence. The EU also reiterates our calls on all levels of governance in Bosnia and Herzegovina to ensure the effectiveness of the coordination mechanism, including for the purpose of ensuring harmonized and consolidated answers to the Commission's opinion questionnaire. In this respect, Bosnia and Herzegovina needs to continue the work done to answer the questionnaire.

As mentioned, the general elections are 12 months away. While acknowledging that the Constitution of Bosnia and Herzegovina lists Bosniaks, Croats and Serbs as constituent peoples, along with others, the European Union reiterates that the principles of equality of all citizens and non-discrimination shall be fully warranted. The European Union underlines that no legislative or political steps should be taken that would make the implementation of the *Sejdic-Finci* ruling and related rulings more challenging.

In addition to the outstanding recommendations of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) to further improve the electoral framework, the European Union expects Bosnia and Herzegovina to address, within the necessary deadlines, the December 2016 ruling of the Constitutional Court of Bosnia and Herzegovina concerning specific electoral provisions on the Federation House of Peoples. The European Union considers that electoral reforms should be approached in a spirit of consensus and dialogue as an important matter, thereby also calling on Bosnia and Herzegovina to implement OSCE-ODIHR recommendations in order to move the country towards European standards, improving democratic processes for future elections.

The European Union reiterates its unequivocal commitment to the territorial integrity of Bosnia and Herzegovina as a single, united and sovereign country. The European Union will continue to use all available instruments to support Bosnia and Herzegovina's stability and progress. While the overall security situation has remained relatively calm and stable, stability has not been fully entrenched. The European Union welcomes the continued presence of EUFOR's Operation Althea, which retains the capability to contribute to the Bosnia and Herzegovina authorities' deterrence capacity if the situation so requires. In this regard, as part of the overall EU strategy for Bosnia and Herzegovina, the European Union confirms its readiness to continue at this stage the executive military role of Operation Althea to support Bosnia and Herzegovina's authorities in maintaining a safe and secure environment, under a renewed United Nations mandate.

The European Union has invited the High Representative for Foreign Affairs and Security Policy to present a strategic review before the end of the year, as a basis for internal discussions within the EU on options for the future of the Operation, also bearing in mind Bosnia and Herzegovina's progress in its EU integration process and taking into account the security situation on the ground.

As the country's stability continues to strengthen and further progress is achieved in reforms and on the EU path, the European Union looks forward to continuing, in the appropriate forum, the discussion with the international community on the possible reconfiguration of the international presence. In this regard, the European Union calls on the authorities in Bosnia and Herzegovina to pursue the reform agenda and to increase its efforts to meet the outstanding objectives and the conditions for the future closure of the Office of the High Representative.

Bosnia and Herzegovina is aiming to advance on its Euro-Atlantic integration, and, hopefully, all obstacles will soon be removed in this regard, which would be an important development for the stability and security of the entire region.

In conclusion, over the two decades during which the Council has been discussing the situation in Bosnia and Herzegovina, we have witnessed substantial progress in the country in all fields: stability, democracy, security, economic development and EU integration. However, the significant emigration that continues to affect the country and undermine its future is a reminder that citizens demand more changes to improve their daily lives. While it is important to concentrate on the future, we urge the authorities of Bosnia and Herzegovina also to actively promote reconciliation.

The EU integration process offers an avenue for tackling the deep-rooted structural challenges affecting Bosnia and Herzegovina, but it is for its political leadership to engage with this process and to deliver on the necessary reforms.

The President: I now give the floor to the representative of Croatia.

Mr. Drobnjak (Croatia): Croatia aligns itself with the statement that has just been delivered by the observer of the European Union (EU). I shall make some additional remarks in my national capacity.

Let me start by welcoming the High Representative, Mr. Valentin Inzko, and thanking him for his report and briefing today.

It has been said often during our debates on this important topic but has to be emphasized once again that as a signatory to the Dayton Peace Agreement, Croatia bears a special responsibility for the stability and well-being of Bosnia and Herzegovina, and it reiterates its unequivocal commitment to the territorial integrity of Bosnia and Herzegovina as a sovereign and united country. Its integration into the European Union and NATO remains our strategic goal.

The Prime Minister of Croatia has visited Bosnia and Herzegovina seven times in the past 12 months.

In addition, we held a joint session of the Government of Croatia and the Council of Ministers of Bosnia and Herzegovina at the beginning of July. This speaks volumes as to how high Bosnia and Herzegovina is on the list of Croatia's priorities.

For Croatia, neighbouring Bosnia and Herzegovina is much more than a trading partner and the 1,000 kilometres of land border that we share. A stable, peaceful and united Bosnia and Herzegovina, based on the genuine institutional equality of its three constituent peoples and all citizens, is a generator of stability in South-East Europe and beyond.

Croatia will continue to support Bosnia and Herzegovina in its EU membership ambition and to extend its full political support and technical assistance and expertise. Advancement in this process is of the highest importance and is not only the best investment in the country's future but also a way to help overcome the difficult burdens of the past.

In this regard, Croatia would like to echo the European Parliament's resolutions on the progress of Bosnia and Herzegovina in 2015 and 2016, which state out that the country will not be a successful candidate for EU membership until the appropriate institutional conditions have been established, on the basis of the principles of federalism, decentralization and legitimate representation.

The entry into force of the Stabilization and Association Agreement on 1 June 2015 was a ground-breaking step in the country's process of European integration, providing Bosnia and Herzegovina with a contractual relationship with the EU. Two years later, in spite of the initial implementation of the reform agenda, much remains to be done. At this juncture, providing comprehensive, high-quality answers to all questions contained in the European Commission's opinion questionnaire, essential for presenting Bosnia and Herzegovina with EU candidate country status, seems to be the most important next step.

What Bosnia and Herzegovina needs today is far less inflammatory rhetoric and many more reforms aimed at the strengthening of institutions in general and of the judiciary in particular, fewer divisions and a more consolidated approach to present challenges: less past and more future.

Reform of the election law remains essential, especially against the background of the upcoming parliamentary elections, in 2018. The improvement of the electoral framework should be approached with a sense of urgency, as requested by the decision of the Constitutional Court of Bosnia and Herzegovina in the Ljubić case and its decision on the city of Mostar. It should enable the full implementation of the principle of the equality of the three constituent peoples — Bosniaks, Croats and Serbs — and their right to legitimate representation. That is the basic precondition for faster progress towards a fully functional country that is focused on its future rather than its past.

Croatia is concerned that the ruling coalition may no longer be able to push any legislation, such as the vital amendments to the election law, through the Bosnia and Herzegovina Parliament. That is why we should not shy away from encouraging all political options in Bosnia and Herzegovina to make serious efforts to address this extremely important issue.

Some in Bosnia and Herzegovina expect that the Central Election Commission of Bosnia and Herzegovina will solve the problem. However, the Commission is solely administrative in its scope and nature, and finding solutions to political questions is too great a burden for a body with no adequate legitimacy for that particular purpose. Some are also hoping that the international community might impose a solution, as it has done in the past, but that is not the right way forward. Instead, we are interested in seeing the political ability and administrative capacity of Bosnia and Herzegovina institutions to deal with challenges and come up with appropriate and effective solutions.

While fully cherishing the principle of the independence of the judiciary, we cannot remain silent regarding some of the recent conclusions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. To allow for the possibility of dismissing judges or prosecutors without any prior independent investigation or disciplinary procedure would be tantamount to trampling on the basic principle of the independence and impartiality of judiciary.

The secessionist statements and divisive actions on the part of Republika Srpska politicians are not only endangering the very stability and integrity of Bosnia and Herzegovina, but are also derailing the country off the track towards much-needed reforms. In addition, they are moving Bosnia and Herzegovina farther away from its NATO Partnership for Peace path, to which Republika Srpska representatives

committed themselves in 2005, through the Republika Srpska National Assembly conclusions, and to which Bosnia and Herzegovina committed itself in October 2009 by formally requesting activation of the NATO membership action plan.

On the other hand, it is utterly wrong to try to compare the secessionist rhetoric and actions of Republika Srpska leaders and institutions with the Croats' efforts to obtain genuine equality with the two other constituent peoples. The Croats of Bosnia and Herzegovina have so far demonstrated the highest level of support for their country and its Euro-Atlantic ambitions. This fact is often overlooked and certainly not valued enough by those whose duty it is to objectively analyse the situation in Bosnia and Herzegovina.

Before concluding, I would like to make a brief comment regarding the High Representative's report, in particular the part titled "Glorification of war criminals". Considering all the words and deeds of Bosnia and Herzegovina's politicians in the past six months, it is surprising, to say the least, that the High Representative chose a particular situation in Mostar as the most significant, and the only one, to be reported under the aforesaid title.

We note with satisfaction the gradual improvement of the economic situation in Bosnia and Herzegovina, Croatia's main trade partner. Last year, the total commodity exchange between Croatia and Bosnia and Herzegovina amounted to €1.8 billion. One-fifth of Croatia's overall foreign direct investments is flowing to our neighbour and has already surpassed €1 billion, making Croatia one of the top three investors in Bosnia and Herzegovina. Although the economy of Bosnia and Herzegovina is still falling short of the expectations of its citizens, the positive trends must be followed and expanded. For its part, Croatia will continue with its assistance in this domain as well.

Croatia continues to support the executive mandate of the European Union-led peacekeeping force Althea. Its presence in Bosnia and Herzegovina is equally important for the maintenance of a safe and secure environment, as it is vital for capacity-building and training. However, this mission was not meant to last forever.

In conclusion, we sincerely hope that Bosnia and Herzegovina will find the strength and prudence to overcome the present political impasse and proceed more efficiently on the path of EU and NATO integration. Croatia advocates, and will continue to advocate, for a strong and permanent focus on Bosnia and Herzegovina at the European and international level. It can never be emphasized enough — Bosnia and Herzegovina deserves our full and constant attention, and we should spare no effort to untap its vast, yet underused, potential.

The President: I now give the floor to the representative of Serbia.

Mr. Milanović (Serbia): Before I begin, I would like to thank the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, for his report (S/2017/922, annex).

Regional stability and the development of all-round cooperation with its neighbours have always been among Serbia's foreign policy priorities. A staunch advocate of cooperation with all the countries of the Western Balkans, my country has been very active in promoting these priorities and made every effort to realize concrete projects and lay lasting foundations for a better future of the region. Clearly reflecting its will, Serbia has recognized Bosnia and Herzegovina as a natural, key partner in these endeavours.

We in the region are aware that enlargement may not be among the priorities of the European Union (EU) in the period of consolidation and multiple challenges. We are heartened, however, by the recent message that the continuation of the policy of enlargement to the Western Balkans is a stable process and that EU membership of its countries may take place even before 2025. Serbia will make its own contribution to this process, carry out reforms and promote mutual cooperation. After all, the process is not only in the interest of Serbia, but of Bosnia and Herzegovina, too, and of the entire region.

Conversely, each and every success of Bosnia and Herzegovina is grist for Serbia's mill and gives us cause to believe that we are a step closer to a common future in the European family of nations. A candidate member, Serbia has made considerable progress in the accession process and we expect new chapters to be opened soon. In that context, we are ready to make our experience available to Bosnia and Herzegovina to help it promote its own negotiation process.

Almost 22 years ago to the day, a peace agreement was signed in Dayton, Ohio, ending the tragic conflict in Bosnia and Herzegovina. A guarantor of the Dayton Agreement, Serbia believes that the Agreement

continues to provide a basis for peace and stability and that it is of crucial importance for reconciliation. That reconciliation is sometimes hard to come by is evinced by the persistence of different undertones in the region. We must not turn a deaf ear to such discordant messages, which add tension, return us unnecessarily to the past and burden relations between Bosnia and Herzegovina's entities and its constituent peoples. They have a negative ripple effect on the entire region too. Its countries' Governments must be vigilant and make sure that conditions are created for genuine reconciliation. Only in this way shall we be able to ensure progress that will benefit us all.

There is another reason that makes us very motivated to promote cooperation, strengthen relations and build mutual trust with Bosnia and Herzegovina, as well as with its entities. Bosnia and Herzegovina and the Republika Srpska are home to a large number of Serbs, and we believe that we can help them improve their lives and succeed in their efforts to join the European Union and thereby enjoy the fruits of common EU membership in the near future.

The sovereignty and territorial integrity of States are international standards and consistent respect for them is of paramount importance in international relations. The past that we experienced in the Western Balkans is and should be a constant reminder of their importance for peace, stability and mutual trust and confidence. My country is firmly committed to the preservation of the sovereignty and territorial integrity of Bosnia and Herzegovina in accordance with the provisions of the Dayton Agreement.

Today, I shall reiterate what I have already said in my previous statements on this occasion — dialogue and agreement are the safest and best ways to address all outstanding issues between the entities and among the constituent peoples of Bosnia and Herzegovina. This approach has proved its practical validity time and again. If solutions are to be forward-looking and results-oriented, they need to be acceptable and implementable and promote the process of confidence-building in Bosnia and Herzegovina. The questions in respect of which the entities have different views, such as the judiciary or the Election Law, for instance, are, in our opinion, internal questions of Bosnia and Herzegovina. They call for active dialogue within the country, which is the only way to achieve universally acceptable solutions. Otherwise, the floodgates will be open to unilateral acts, misunderstandings and negative messages, to the detriment of the entities and all citizens of Bosnia and Herzegovina. All sides should therefore work on building mutual trust and strengthening transparency and, as the first major political undertaking ahead, ensure a smooth holding of the elections next year. After all, transparency and responsibility are the all important building blocks of Bosnia and Herzegovina's common institutions.

High-level dialogue and regular meetings are instrumental in developing all-round bilateral relations and closer cooperation between Serbia and Bosnia and Herzegovina. President of Serbia Mr. Aleksandar Vučić made his first official visit to Sarajevo in early September. Open and constructive, his meetings and other engagements during this visit reflected the need for the two countries to create a new model of relations and to invest additional efforts in promoting economic cooperation and realizing infrastructure projects. Chairman of the Presidency of Bosnia and Herzegovina Mr. Dragan Čović visited Belgrade recently. In his meetings with President Vučić, it was again assessed that the relations between Serbia and Bosnia and Herzegovina are of key importance to the preservation of regional peace and stability and for ensuring a better life for all citizens.

The intensification of the dialogue between the two countries is evinced by the preparation of the visit of Bosnia and Herzegovina's Presidency to Belgrade scheduled for December, and the invitation of Ana Brnabić, Prime Minister of Serbia, extended to Denis Zvizdić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to a joint meeting of the Government of Serbia and the Council of Ministers of Bosnia and Herzegovina, to be held towards the end of 2017.

The promotion of economic cooperation with Bosnia and Herzegovina is of the utmost importance to Serbia and an almost a daily assignment of its Government. Trade exchange between the two countries is in ascendance, and with an investment of over €900 million, Serbia is among the largest investors in Bosnia and Herzegovina. The development of cooperation in the fields of infrastructure, energy, tourism and trade dominates the agendas of the meetings between Serbia and Bosnia and Herzegovina's officials. Projects that link us to Serbia's to-do list and the participation of third countries in such projects are welcome, especially in the construction of the Belgrade-Sarajevo motorway.

At a time of great challenges facing the world and significant changes taking place in Europe, we must work harder to improve bilateral relations in our region. Drawing upon the traditional bonds of friendship between the people of Serbia and Bosnia and Herzegovina, the two countries should make their relations a role model for good-neighbourliness — all the more so as we continue to be committed to regional development, mutual rapprochement and an ever-quicker march towards the European Union. Open questions from the past should be addressed through dialogue as we proceed to realize our present interests simultaneously.

The meeting rose at 12.20 p.m.

United Nations S/PV.8090

Security Council

Seventy-second year

Provisional

8090th meeting

Tuesday, 7 November 2017, 3 p.m.

New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Inchauste Jordán
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Japan	Mr. Bessho
	Kazakhstan	Mr. Sadykov
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Seck
	Sweden	Mr. Skau
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Allen
	United States of America	Mrs. Haley
	Uruguay	Mr. Rosselli

Agenda

The situation in the Middle East

Letter dated 26 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/904)

Letter dated 25 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/905)

Letter dated 30 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/916)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 26 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/904)

Letter dated 25 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/905)

Letter dated 30 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/916)

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Syrian Arab Republic to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Ms. Izumi Nakamitsu, Under-Secretary-General and High Representative for Disarmament Affairs, and Mr. Edmond Mulet, Head of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2017/904, which contains the text of a letter dated 26 October 2017 from the Secretary-General addressed to the President of the Security Council; document S/2017/905, which contains the text of a letter dated 25 October 2017 from the Secretary-General addressed to the President of the Security Council; and document S/2017/916, which contains the text of a letter dated 30 October 2017 from the Secretary-General addressed to the President of the Security Council.

I now give the floor to Ms. Nakamitsu.

Ms. Nakamitsu: I thank you, Mr. President, for the opportunity to brief the Security Council on the implementation of resolution 2118 (2013), on the elimination of the chemical weapons programme of the Syrian Arab Republic. As always, I have remained in contact with the Director General of the Organization for the Prohibition of Chemical Weapons (OPCW) to discuss matters related to this file. In anticipation of this briefing, I spoke to him yesterday. I have also received a written update from the Permanent Mission of the Syrian Arab Republic to the United Nations.

With regard to progress related to the implementation of resolution 2118 (2013), there is one new development to report. As the Council is aware, two of the 27 chemical weapons production facilities declared by the Government of the Syrian Arab Republic remain to be destroyed. Following a long-standing delay due to the security situation at the site, those two stationary above-ground facilities can now be accessed. The OPCW is currently conducting a visit to those two facilities in order to confirm their condition. That is the first step in the process of OPCW verification of the destruction of those facilities.

I regret to note that the long-standing issue related to Syria's declaration and subsequent amendments remains, in spite of the fourth round of high-level consultations that took place in The Hague in September. As the Director General stated in his most recent note to the OPCW Executive Council, neither the information provided during the consultations nor the latest submissions by the Syrian Arab Republic have enabled the resolution of all identified gaps, inconsistencies and discrepancies in Syria's declaration.

Efforts to resolve those issues have been hampered by a lack of original historical records, as well as what the Director General has described as an

> "ongoing lack of access to and engagement with senior leaders/officials who have an overarching knowledge of the Syrian chemical weapons programme" *(S/2017/916, para. 10)*.

While it is a positive step that the Government of Syria has chosen to declare additional laboratories in their rooms in the Syrian Scientific Studies and Research Centre, the OPCW assessment remains that the declaration of the Centre is incomplete.

On 2 November, the OPCW Fact-finding Mission in the Syrian Arab Republic (FFM) submitted its report on the alleged incident of the use of chemical weapons at Ltamenah on 30 March. Last month, the Director General informed that environmental samples provided to the FFM team, and reportedly connected to the 30 March incident at Ltamenah, showed the

presence of sarin. The report of the FFM stated that, given the limitations in some evidence, the FFM was not able to determine with absolute certainty the use of a chemical weapon.

However, the FFM was able to determine the presence of sarin on samples that came from the alleged site of the incident; that casualities from that site and time period displayed symptoms and received treatment consistent with exposure to sarin; and that munition parts from the alleged site of the incident were consistent with the application of a chemical weapon. As a result, the FFM was able to conclude that sarin was more than likely used at that incident. The FFM is continuing its work on looking into other allegations of the use of chemical weapons in the Syrian Arab Republic.

These most recent findings of the FFM are deeply concerning, all the more so in view of the fact that the mandate of the OPCW-United Nations Joint Investigative Mechanism is set to end on 16 November. Allegations of the use of chemical weapons in Syria have not ceased and therefore nor has the need to identify and to hold accountable those responsible for their use. The unity of the Council will be necessary in order to prevent impunity for the use of those abhorrent weapons. As always, the United Nations Office for Disarmament Affairs remains ready to provide any support and assistance that it can as we work together to restore the universal norm against chemical weapons and to strengthen the broader non-proliferation regime.

The President: I thank Ms. Nakamitsu for her briefing.

I now give the floor to Mr. Mulet.

Mr. Mulet: I thank you, Sir, for the opportunity to introduce the seventh report of the Leadership Panel of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (S/2017/904, annex). I am joined by Ms. Judy Cheng-Hopkins and Mr. Stefan Mogl. Together, the three of us form the Leadership Panel.

Members will recall that the mandate of the Mechanism, as established by the Security Council, is to identify, to the greatest extent feasible, individuals, entities, groups or Governments that were perpetrators, organizers, sponsors or otherwise involved in the use of chemicals as weapons in the Syrian Arab Republic. The Mechanism is not a judicial body; rather, it is an investigative mechanism that reports to the Security Council. Despite the very real challenges of investigating complex cases in the midst of an ongoing armed conflict, the Mechanism has taken great care to ensure that its methodology and findings are technically and scientifically sound.

The report contains the findings in respect of, first, the use of sulfur mustard at Umm Hawsh on 15 and 16 September 2016 and, secondly, the use of sarin at Khan Shaykhun on 4 April 2017. The findings of the Leadership Panel have been drawn on the basis of the sum total of information and evidence obtained by the Mechanism, as set out in the report and its annexes.

The Leadership Panel has identified the Islamic State in Iraq and the Levant as responsible for the use of sulfur mustard at Umm Hawsh and the Syrian Arab Republic as responsible for the use of sarin at Khan Shaykhun. Before I go into detail about these findings, I will spend a few minutes outlining the methodology of the Mechanism.

In collecting, analysing and assessing information, the Mechanism was guided by the terms of reference, as approved by the Security Council, and the methods of work, as outlined in its previous reports. It conducted its work in an independent, impartial and professional manner. In making its findings on responsibility, the Leadership Panel was guided by the evidentiary standards, as set forth in its first report (S/2016/142, annex). In the cases at hand, the Leadership Panel determined that there was sufficient evidence of a credible and reliable nature to make its findings regarding the parties involved in the use of chemical weapons in each incident.

In accordance with its mandate, the Mechanism took the findings of the Organization for the Prohibition of Chemical Weapons (OPCW) Fact-finding Mission (FFM) that a chemical weapon had been used as a starting point for each case and actively gathered additional information regarding each incident. It applied the same methodology with respect to both cases and pursued a rigorous and independent examination of the available information. In doing so, it examined possible scenarios as to how the incidents may have happened, including those put forward by Member States. For the incident at Khan Shaykhun, the Mechanism examined eight scenarios; for Umm Hawsh, it examined four scenarios. That methodology ensured that the Mechanism covered all possibilities and conducted a thorough, impartial and objective investigation.

In conducting its investigations into the incidents at Umm Hawsh and at Khan Shaykhun, the Mechanism collected information from a wide range of sources. In response to requests for information, 12 Member States, including the Syrian Arab Republic, provided case-specific information. The Mechanism interviewed over 30 witnesses in addition to those interviewed by the FFM, and collected and reviewed 2,247 photographs, 1,284 files of video footage, 120 audio files and 639 documents, most of which required translation. I visited Damascus in August. Technical teams visited Damascus in September and the Al-Shayrat airbase in October. Technical teams also visited a neighbouring country on two occasions to interview witnesses and to collect materials.

I wish to mention that the Syrian Arab Republic engaged constructively with the Mechanism. The Syrian Arab Republic provided full cooperation and facilitated the Mechanism's requests for access to information and witnesses. The Syrian Arab Republic also provided the reports of its own technical investigations into the incidents, which were carefully reviewed by the Mechanism.

For its visit to the Al-Shayrat airbase, the Mechanism had a number of objectives, including to verify the authenticity of the logbooks and flight operations records from 4 April 2017; to review entry and exit records and to interview responsible personnel; to photograph the types of munitions flown on 4 April 2017, in accordance with the records received; and to photograph the means for attaching such munitions onto Sukhoi SU-22 aircraft.

Collecting samples at the airbase was not an objective. The Mechanism considered that if a single chemical munition had been flown from the airbase, there was little chance of finding any trace of sarin or its degradation products without specific information as to where to collect samples. The size of the Al-Shayrat airbase is approximately 10 square kilometres, equivalent to more than 900 football fields,

The Mechanism did not visit the sites of the incidents at Umm Hawsh and Khan Shaykhun. While a visit to those sites, in particular Khan Shaykhun, may have been of value it was too dangerous to visit Khan Shaykhun, which is in a situation of armed conflict and under the control of the Al-Nusrah Front, a terrorist organization. In response to a request for a security assessment in respect of a possible site visit to Khan Shaykhun, the United Nations Department of Safety and Security highlighted challenges, such as indirect artillery fire and recurrent air strikes. Moreover, the Department of Safety and Security advised that any possible access arrangements negotiated with the armed groups controlling the area would not be without residual security risks. Notwithstanding the possible benefits of site visits, the Leadership Panel considered that the Mechanism had gathered sufficient information to come to a solid conclusion in both cases.

Witnesses were a very important source of information. Regarding Umm Hawsh, witnesses interviewed by the Mechanism included victims of the attack, journalists present in the period immediately following the attack, doctors who treated victims and commanders of non-State armed groups. Regarding the incident at Khan Shaykhun, witnesses included residents, personnel from the Al-Shayrat airbase, Government officials, doctors who treated victims, rescue personnel and commanders of non-State armed groups.

The Mechanism also obtained independent expert analysis and assessments. It engaged several internationally recognized forensic and specialist defence institutes, as well as OPCW-designated laboratories, to provide forensic and expert support to the investigation. All of those bodies were selected on the basis of their independence, established expertise and record of outstanding performance. The forensic institutes and OPCW-designated laboratories are accredited according to international standards. They were engaged by the Mechanism to authenticate photographs and video footage to verify the times and places where they were taken and to provide independent expert assessments and simulations with respect to items depicted, as well as chemical synthesis and analysis. The Mechanism also consulted with several internationally recognized experts on energetic materials and the medical effects of chemical warfare agents.

With regard to Umm Hawsh, expert analysis was provided with respect to the impact location, the munition, the trajectory of the munition and its likely delivery method, as well as the medical effects on victims. With regard to Khan Shaykhun, expert analysis was provided with respect to the nature of the plumes resulting from explosions and their effects, the characteristics of the crater and their likely cause, the

remnants of the munitions, the dispersion of sarin, the amount of explosives used and the medical effects.

The Mechanism commissioned an in-depth laboratory study with respect to the chemistry of sarin. The objective of the study was to test whether the sarin found in Khan Shaykhun could be linked to chemicals from the original stockpile of the Syrian Arab Republic. The Mechanism sent samples that were collected by the OPCW in 2014 from the stockpile of the Syrian Arab Republic to OPCW-designated laboratories. The study showed that the samples from Khan Shaykhun match a particular chemical from the Syrian Arab Republic stockpile that is required to make sarin. That chemical is the precursor chemical for sarin and is called DF.

As I mentioned earlier, the Mechanism operates in a non-traditional setting. It does not have judicial powers and cannot compel the submission of information or documents to it. It relies instead on the voluntary cooperation of witnesses and those in possession of relevant information. The Mechanism cross-checks witness statements and works to ensure that the information gathered is credible and reliable, through means of verification and corroboration, as well as other measures of quality control. When assessing information, the Mechanism systematically and thoroughly examined the source of the information and whether there were factors that may affect its reliability, such as whether information was based on first-hand experience of the events or hearsay, or whether there were concerns as to the chain of custody.

When corroborating information considered important to its investigation, the Mechanism paid particular attention to the possibility of circular reporting so as to ensure that corroboration was based on independent sources of information. Questions have been asked about the possible motives for the use of chemical weapons in each case. The Leadership Panel noted that it was not helpful for the investigation to speculate, and focused on technical issues instead.

Let me now turn to the findings of the Leadership Panel in the two cases. On 15 and 16 September 2016, two women were found to have been exposed to sulphur mustard at Umm Hawsh. A mortar shell containing sulphur mustard hit the house of one of the victims, who, together with her neighbour, was exposed when cleaning a black substance from the wall of her house. A second mortar shell containing sulphur mustard was recovered lodged in the pavement. The damage to the victim's house indicated that the trajectory of the mortar shell that caused such damage came from the south-east. The trajectory of the second mortar shell found in the pavement was determined to have come from east or south-east of the impact location.

The Mechanism determined that the Islamic State in Iraq and the Levant (ISIL) was fighting against groups belonging to the Syrian defence forces from the outskirts of Umm Hawsh on 15 and 16 September 2016. It also determined that ISIL was positioned along three sides of Umm Hawsh, specifically to the east and south-east of the village, which was the assessed origin of the chemical mortar shells. Based on the positioning of ISIL and the forensic assessment that the mortar shell came from the direction of ISIL-held areas, the Leadership Panel is confident that ISIL is responsible for the use of the mortar shells containing sulphur mustard.

With regard to Khan Shaykhun, on the morning of 4 April 2017 an incident involving sarin killed approximately 100 people in Khan Shaykhun, and affected another 200 people who survived acute exposure. In the course of conducting its investigation to identify those responsible, the Mechanism examined eight possible scenarios, including that the incident may have been staged in an attempt to place responsibility on the Government of the Syrian Arab Republic. The mechanism rigorously investigated possible indicators for all scenarios. In doing so, it gathered and closely examined information from a wide range of sources. While expert examination of the crater did not rule out that it could have been caused by means other than an aerial bomb, the Mechanism found nothing to prove that the incident had been staged — and when I say nothing, I mean nothing. Certain irregularities and inconsistencies emerged in the course of the investigation, and they were scrutinized and are described in detail in the annex to the report. However, they were not of the nature to change the assessment of the Leadership Panel.

Mindful of the complexities of the case and the polarized political environment surrounding the investigation, the Mechanism actively pursued unbiased sources of evidence of what happened in Khan Shaykhun on 4 April. They included video footage from two separate sources taken that morning, which showed a series of explosions across Khan Shaykhun, was authenticated by forensic institutes as not having been manipulated, and verified to have been filmed between 6.42 a.m. and 6.52 a.m. on 4 April in Khan Shaykhun;

satellite imagery of the crater and its surroundings before and after the incident; video footage and photographs of the crater assessed by a forensic institute to have been recorded between 8.04 a.m. and 9.17 a.m., and the chemical analysis of the sarin samples that had been collected by the OPCW Fact-finding Mission from both the Government of the Syrian Arab Republic and non-governmental organizations.

The Mechanism carefully put together pieces of a complex puzzle of which some parts are still missing. For example, it could not establish with certainty that the aircraft that delivered the chemical bomb took off from the Al-Shayrat air base, or the type of aircraft involved. Yet, the parts of that puzzle that have been established and put together are clear with respect to certain critical elements.

Aircraft dropped munitions on Khan Shaykhun between 6.30 a.m. and 7 a.m. that day. Witnesses saw and heard aircraft at that time and two of them even recorded video footage showing a series of explosive plumes across Khan Shaykhun at that very time that morning. Forensic analysis confirmed that aircraft and explosion sounds can be heard in the background of those videos. Aircraft of the Syrian Arab Republic were in the immediate vicinity of Khan Shaykhun between 6.30 a.m. and 7 a.m. That was established via information provided by the Syrian Arab Republic itself, as well as via information provided by several other sources. The crater from which the sarin emanated was created on 4 April. That was established by satellite imagery.

The crater was determined by expert analysis to have been most likely caused by the impact of an aerial bomb travelling at high velocity. That was the outcome of analysis by several independent, internationally recognized institutes with specialization in areas of forensics, defence and security, as well as two individual experts on energetic materials. While they did not rule out completely that it could have been caused by other means, they said it was very unlikely in the light of the nature of the damage around the crater.

Experts examined whether an improvised explosive device (IED) could have caused the crater. They assessed that a crater of that size would require an equivalent of 10 kilograms of TNT, but generally ruled out that possibility on account that such an explosion would cause much more damage than what was observed in the area. Moreover, experts observed that the metal object protruding from the crater, which was assessed to be consistent with a thin-walled chemical aerial bomb, was too big and too deeply embedded for the IED scenario to be likely. The large number of persons affected by the release of sarin on 4 April, and the fact that sarin reportedly continued to be present at the site of the crater 10 days after the incident, indicate that a large amount of sarin was released, consistent with its having been dispersed via a chemical aerial bomb.

Finally, the in-depth laboratory study into the chemistry of sarin revealed that the sarin used in Khan Shaykhun was very likely to have been made from the same precursor that came from the original stockpile of the Syrian Arab Republic. That precursor, known as DF, is a key component of binary sarin, the kind used at Khan Shaykhun. That conclusion is based on the presence of unique marker chemicals that were identified by OPCW laboratories in the samples from Khan Shaykhun, as provided to the Fact-finding Mission by both the Government of the Syrian Arab Republic and non-governmental organizations. The same marker chemicals were found in the DF samples from the original stockpile of the Syrian Arab Republic and in sarin made with that same DF. Binary sarin with the same composition of marker chemicals would be very difficult to replicate, even if the exact composition were known. The in-depth laboratory study further revealed the production process used to make the DF precursor. That process requires a high degree of competence and sophistication, and points towards a chemical plant production.

The Leadership Panel is confident that when taken together, all these elements constitute clear evidence that the Syrian Arab Republic is responsible for the use of sarin at Khan Shaykhun on 4 April. Aircraft is in the air at the relevant time; the crater is caused; the crater was most likely caused by a high-velocity aerial bomb; a large number of persons are affected by sarin that morning; sarin is found in and around the crater; and samples of the sarin taken from the crater are found to contain unique markers that match those of the precursor from the stockpile of the Syrian Arab Republic.

With respect to the responsibility of the Syrian Arab Republic, the Mechanism did not identify specific actors within the Government and institutions of the Syrian Arab Republic. The nature and logistics of the operation would involve a range of actors from different areas.

The international community achieved a major milestone when it prohibited chemical weapons in their entirety. When chemical weapons were used despite such prohibition, the Mechanism was established by the Council to identify those responsible. The Mechanism has carried out its mandate in respect of the incidents at Umm Hawsh and Khan Shaykhun. It is now for the Security Council to consider next steps. In doing so, I ask the Council to also consider the victims of those insidious acts.

Attaining a world without chemical weapons is an imperative requiring concrete and unified action. The Security Council has a unique responsibility in that regard, including to deter all those who continue to believe that there is something to be gained from their use. I understand the political issues surrounding the situation in the Syrian Arab Republic. However, this is not a political issue, but an issue about the lives of innocent civilians. Impunity must not prevail. The international community must ensure that it has effective ways to respond rapidly to any future use of chemical weapons, including acts of chemical terrorism.

The international community, including the Security Council, has forcefully condemned any use of chemical weapons by anyone under any circumstances. And yet, as I brief the Council today, we have received another determination by the OPCW of the use of sarin in Ltamenah in the Syrian Arab Republic.

As I stated to this organ in July, I have hope that together we can end the use of such weapons forever. We must let the gains of the international community be lost. Let us move forward with humanity and renewed collective commitment to end the use of chemical weapons.

The President: I thank Mr. Mulet for his briefing.

I now give the floor to Council members who wish to make statements.

Mrs. Haley (United States of America): I want to thank Ms. Nakamitsu for her briefing today.

I want to say a special word about Mr. Mulet and to thank him for being here. One look at his resume shows that he is the right man to lead the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM). He had a distinguished career in public service in his home country of Guatemala. He has served as the Assistant Secretary-General for Peacekeeping Operations and as Special Envoy to Haiti. His long list of academic credentials is impressive. In other words, Mr. Mulet is a man very much like the institution he heads — experienced, professional and independent. All of those qualities are reflected in the JIM's latest report (S/2017/904, annex).

Our friends from Russia have insisted that we put off the crucial task of reauthorizing the JIM until we have discussed the report. They tell us that they want to determine who is responsible for the chemical weapons attacks in Syria. Russia affirmed that desire when it voted to create the JIM in 2015 and to reauthorize it in 2016. I share that desire for answers, so let me try to address their concerns.

The JIM has fulfilled its mandate to identify the perpetrators of chemical weapons attacks in Syria. It had produced a report that concludes that the Al-Assad regime is responsibility for the 4 April sarin gas attack at Khan Shaykhun. In addition, the report concludes that the Islamic State in Iraq and the Levant (ISIL) is responsible for the September 2016 sulfur mustard attack at Umm Hawsh. Our Russian friends tell us they want to ensure that the report and the work of the JIM itself are professional and impartial. Again, I agree with them.

The JIM's report not only identifies those behind the chemical attacks, it also explains how it reached its conclusion. It lays out in great detail how the team carried out such a challenging investigation. And just as any independent team of experts would, it takes note of any irregularities that it found in the information obtained from the investigation. The report transparently lays out those facts, but determines that they do not call into question the findings.

Russia has insisted that it is ready to return to the question of extending the JIM's mandate after the publication of the latest report. "Give us more time", they said two weeks ago. "Give us until 7 November", they said as they acted to protect one of the world's most murderous regimes from the consequences of its actions. Today is 7 November.

In the intervening days, we have tried to work with our friends from Russia in order to ensure that we could achieve a unanimous reauthorization. We have listened carefully to Russia's concerns regarding methodology and site visits, even though most Council members do not share them. We have much that we can agree on. We can agree to strengthen the language on the use of chemical weapons by terrorists. We can also emphasize

the need for all parties to help investigators access sites in Syria relevant to their investigation, and we can underscore the ongoing importance of high standards and sound evidence for each attribution. On those issues we want to work with Russia and find common ground. All of those items are found in Russia's proposed draft resolution. We can accept all of them as a show of good faith and a desire to find consensus. We have told that to our Russian friends, and we intend to circulate our text this afternoon.

However, we cannot put language in the draft resolution that keeps the Syrians from being investigated or from having been found to have used chemical weapons. That is completely up to Syria and Russia to work out. Yet, even though we have continued to engage Russia bilaterally and have made efforts to address its concerns since it vetoed the draft resolution two weeks ago, our Russian friends continue to push unacceptable language that is meant only to undermine the investigators and divide the Council.

The team of experts that the Council created to investigate those horrific attacks in Syria has done its job. Now it is time for us to do our job. Since 2012, there have been hundreds of reports of uses of chemical weapons in Syria. That is not something that we can turn away from. Our concern is not about ISIL, the Syrian regime or anyone else. It is about the people of Syria and their protection. Ensuring that those responsible be identified and held accountable is critical to ending the use of chemical weapons. The Council has created the tool, the Joint Investigative Mechanism, to do just that. Now is the time for the Council to unanimously renew the JIM's mandate in order to ensure that it will continue to do its crucial work for at least another year.

The arguments for renewing the JIM's mandate are clear. Its most recent report has only strengthened those arguments. We must ensure continuity of operations. Last year's delay in renewing the JIM cost it nearly six months of work. We cannot afford such a loss this year when there is evidence of the ongoing use of chemical weapons in Syria. Tragically, there is no lack of cases for the JIM to investigate. Just last week, the Organization for the Prohibition of Chemical Weapons Fact-finding Mission determined that the chemical weapon, sarin gas, was used in the attack that took place on 30 March, injuring more than 70 people. That incident bears the hallmarks of the Khan Shaykhun attack that occurred just a few days later. I remember vividly the faces of the murdered children of Khan Shaykhun. I remember the outrage expressed by the Council. In 2015, the Council came together in a rare moment of unity in order to identify those who used chemical weapons and to ensure that such barbaric acts did not continue. The result of that rare unity was the JIM, which is the best tool we have to ensure that no individual, group or regime is allowed to attack with chemical weapons and get away with it.

The JIM will cease its operations in 10 short days. There can now be no higher priority for the Security Council than to ensure the continued operation of the Joint Investigative Mechanism. Anyone who prevents us from achieving that goal is aiding and abetting those who have been using chemical weapons in Syria. They are helping to ensure not just that more women and children will die, but also that those women and children will die in one of the cruellest, most painful ways possible. We are better than that. We must be. Now is the time to show the world. I call on the Security Council to act immediately to renew the Joint Investigative Mechanism.

Mr. Yelchenko (Ukraine): I thank Under-Secretary-General Izumi Nakamitsu and the Head of the United Nations-Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), Mr. Edmond Mulet, for their briefings on the issue of Syrian chemical weapons. We particularly welcome the submission of the seventh report of the JIM (S/2017/904, annex), which contains crystal clear conclusions regarding the perpetrators of two chemical weapons attacks in Syria, namely, those in Umm Hawsh and Khan Shaykhun.

Ukraine commends the JIM's efforts in conducting impartial, objective and independent investigations. We are acutely conscious of the great difficulties encountered by the Mechanism in its work, given the abundant political sensitivities and concerted efforts by some to defend those responsible for having organized and committed horrible crimes with the use of chemical weapons.

We also take note of the forty-ninth monthly report (S/2017/916, annex) of the Director General of the Organization for the Prohibition of Chemical Weapons (OPCW) regarding the status of the implementation of resolution 2118 (2013). Ukraine endorses continuous constructive interaction between the OPCW missions and the JIM, and has full confidence in their expertise and professionalism.

After 20 years since its entry into force, the Chemical Weapons Convention (CWC) is widely recognized as the first multilateral instrument that bans an entire class of weapons of mass destruction and subjects them to strict international control and compliance mechanisms. The Convention has made a major contribution to strengthening international peace and security by setting new standards for global disarmament and non-proliferation and providing assistance and protection against chemical weapons. There used to be a broad international consensus that the use of chemical weapons could not be tolerated, whatever the circumstances might be. That seems not to be the case anymore. We continue to see efforts to undermine the role and status of the CWC, which is a unique example of synergy between political will and common sense. Justice for the victims of chemical attacks in Syria has been denied so far.

I wish to recall that impunity for breaching the Chemical Weapons Convention undermines the credibility of the Security Council, which has at its disposal all the necessary tools to respond decisively to such crimes. The potential risks and threats that may arise from the Council's inaction on the issue are very high and may trigger very serious consequences beyond Syria. We must remain vigilant against those who do not hesitate to use weapons of mass destruction.

Those who defend the perpetrators of the use of chemical weapons through the manipulation of clear facts attempt to discredit independent international entities and create purely artificial obstacles that obstruct the continuation of the work of those entities. All of that has become a hallmark of the Russian Federation's position on this issue. Indeed, the Council's continuous inability to respond to the use of chemical weapons inadvertently aggravates the situation on the ground, which remains deeply worrying.

First, it has been confirmed that the Islamic State in Iraq and the Levant already possesses and has used chemical weapons on several occasions. Secondly, the Syrian Government has so far failed to provide full and credible information on its chemical-weapons programme, which is a clear violation of both the CWC and resolutions 2118 (2013) and 2235 (2015). Thirdly, there are numerous allegations of the possible illegal possession, movement and use of toxic substances as weapons in Syria.

That is why the continued threat of the use of chemical weapons in the Syrian Arab Republic has to be dealt with decisively and in the shortest time possible. Against a backdrop of such dangerous developments, it is extremely reckless and utterly irresponsible to undermine the reliability and veracity of both the Fact-finding Mission and the JIM's reports. The priority issue today relates to the confirmed blatant violations of the Chemical Weapons Convention and several of the Council's resolutions. The question of the responsibility of those who are proven to be responsible for the use of chemical weapons is of vital importance for the whole international community.

Given the Security Council's strong position that the use of chemical weapons is a flagrant violation of international law, we are of the view that the Council should be similarly united in ensuring accountability, thereby preventing more such crimes and eradicating the chemical threat in the region. We are convinced that in order to achieve that goal we have to allow the Joint Investigative Mechanism to continue its important job. We must therefore extend the Mechanism's mandate without any further delay. In that regard we fully support the relevant draft resolution submitted by the United States as a balanced compromise document.

Mr. Delattre (France) (*spoke in French*): At the outset, allow me to thank Ms. Izumi Nakamitsu, the Under-Secretary-General for Disarmament Affairs, and Mr. Edmond Mulet for their very enlightening briefings, as well as for their outstanding work.

A few days ago, the report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (S/2017/904, annex) established the responsibility of the Syrian regime for the chemical attacks in Khan Shaykhun in April 2017 and that of Da'esh in Umm Hawsh in September 2016. The report's conclusions are clear and unambiguous. They are consistent with the assessment published by France in April after the attack on Khan Shaykhun. On behalf of France, I salute the exemplary professionalism of the Mechanism's team, which conducts its work in complete independence and with the utmost thoroughness.

The facts that have been established are, we know, extremely serious. To those who claim to have doubts, I wish to recall that it has been four years since the independent investigative mechanisms came to the same conclusions. The Joint Investigative Mechanism has already determined the responsibility of the Syrian

regime and of Da'esh for attacks committed in 2014 and 2015. Today, once again, the Mechanism has been able to comment unambiguously on the parties responsible for the attacks under investigation, after an irrefutable process.

If we stick to objective observation of the facts, the reality is that the Damascus regime has never fully complied with its international obligations, despite the commitments it made. Month after month, the Organization for the Prohibition of Chemical Weapons has continued to inform us of grey areas in the declaration submitted by Syria in 2013 on its chemical stockpile. Those doubts, which focus on the Syrian regime, underscore the cynicism and duplicity of the Damascus regime. That regime has cooperated with the investigative mechanisms in ways that allow it, at the very least, to lie about the nature of its stockpile and, at the worst, to pursue a chemical programme. Above all, that regime has not hesitated to use those weapons against its own people. The massacre of Khan Shaykhun, like so many others, has been a tragic reminder for us. The Mechanism only highlighted the regime's responsibility in that regard, just as it confirmed that chemical terrorism has become a reality.

Now that the truth has been clearly established, now that no one can say that they did not know, our collective responsibility is to identify and punish those responsible for those abject acts. There will be no lasting peace in Syria while there is impunity. Beyond Syria, everyone sees that the future of the international non-proliferation regime is at stake today. While the international non-proliferation regimes have not equalled the achievements of previous decades, let us not let the most successful of those — the chemical non-proliferation regime — be undermined by divisions and manoeuvres. It would be a deadly precedent for the other non-proliferation regimes and an irresponsible stance for which we will all pay a heavy price. The use of chemical weapons by anyone is a moral abomination that goes against the most basic principles of humanity; to look away and accept the use of chemical weapons in Syria without response would be to give a blank check or a green light to the proliferation and use of such weapons elsewhere, and would create fertile terrain for the chemical terrorism that we all fear.

At the joint initiative of Russia and the United States, we created the Joint Investigative Mechanism in order to transcend our political disagreements and to establish the truth. That was why we did it. Let us not then renege on our pledge or our commitments at the hour of truth. The Mechanism is not a tool of the West. Rather, it is one that is shared by the community of nations as a whole, and one that we have the duty to strengthen. That means the Mechanism cannot and should not become hostage to political quarrels, or worse, tactical games. To weaken the Mechanism is to play with fire and to risk undermining the chemical non-proliferation regime that we built together stone by stone. The Mechanism must be able to continue its activities, without preconditions and without any interference.

Let us assume collectively and individually the heavy responsibilities that we face. France, as a permanent member of the Security Council, understands well its own responsibilities. We will not yield in the fight against impunity or on the issue of the full and complete dismantling of the Syrian chemical programme. I call on everyone to do the same and to support the draft resolution presented by the United States on the renewal of the mandate of the Joint Investigative Mechanism. Let us take careful measure of the gravity of the moment so that we can come together for the service of the values, instruments and law that underlie our collective security. The immensity of the stakes demands it and compels us to do so.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): Since 2011, Egypt has been following with interest the rapidly evolving developments in the Syrian crisis. From the very beginning, Egypt has adopted a firm position in support of the aspirations of the Syrian people to freedom and democracy, as well as the maintenance of that State's institutions and territorial integrity. Over the past years we have been overwhelmed by the extent of the destruction, killing and displacement that has befallen the Syrian people. We deeply regret the state of chaos that Syria has been reduced to, not to mention the unprecedented spread of terrorist groups in the Middle East in a manner that threatens the security of the region and the entire world.

We have also followed with deep regret the confirmed use of chemical weapons on several occasions in Syria. While we condemn all forms of killing and destruction, we especially decry the use of weapons of mass destruction, which are indiscriminate in nature and harm innocent civilians. We renew our condemnation, in the strongest terms, of the use of chemical weapons in Syria by any party whatsoever. We support the need to hold accountable any individual,

entity, party or authority whose involvement in that criminal matter is proven.

Based on that principled position, Egypt supported the establishment of the Joint Investigative Mechanism and recently supported the extension of its mandate for an additional year. That has been our position, given our extreme interest in bolstering the concept of accountability and uncovering the facts surrounding the Syrian crisis. Our support for the Joint Investigative Mechanism also seeks to contribute to efforts made to confront the urgent threat that the world has yet to deal with, namely, the rapid increase in the proliferation, possession, manufacture and use of chemical weapons in the Middle East, especially on the part of non-State entities. We therefore reiterate the need to establish a system capable of deterring such entities in their attempts to acquire such weapons or the means of manufacturing them. It is important to confront the dangers of the potential transfer of such methods and weapons between various conflict zones.

We have followed with interest the reports of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, including its seventh report (S/2017/904, annex). We take note of the report's evaluation of several scenarios that were examined with regard to the Khan Shaykhun incident based on the means available to the JIM, keeping in mind the complex conditions in the field, as well as the fact that the Mechanism began its investigations only several months after the incident took place, and it has been unable to visit the actual site of the incident, which is controlled by the terrorist group Al-Nusra Front.

I would like to reiterate that we are all aware of the challenges that investigations in the battlefield face. Indeed, the Mechanism's mandate was designed with such challenges in mind. The mandate clearly gave the Mechanism the mission to identify to the greatest extent feasible those involved in the use of chemical weapons in Syria. We therefore welcome the work that the Mechanism has done within its capabilities. We still see the importance of the Council searching for the best way to ensure maximum access to the site of the incidents by the Mechanism and in a timely manner, and importantly, in a manner that would secure the highest degree of neutrality in the investigation and ensure the security of the Mechanism's personnel.

We reiterate our call to the members of the Council to work towards bringing their views closer together through dialogue, so that we can return to the consensus that prevailed in the Security Council over this matter. That is especially important since the Syrian crisis has witnessed rapid developments in the recent period, which are developments that require us all to support the political process and the road map adopted by the Council in resolution 2254 (2015).

Mr. Bessho (Japan): I thank Ms. Izumi Nakamitsu, High Representative for Disarmament Affairs, and Mr. Edmond Mulet, Head of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), for their briefings.

The use of chemical weapons is entirely unacceptable under any circumstances. There is full agreement within the Security Council on that point, and it is shared by the entire international community. The fact that chemical weapons have been used multiple times in Syria, resulting in the deaths of numerous civilians, is extremely serious and represents a challenge to international peace and security.

The Security Council has played an important role in addressing chemical weapons in Syria. As High Representative Nakamitsu noted, 25 out of 27 chemical-weapon-production facilities have been destroyed under resolution 2118 (2013). That verification and destruction process should continue for the remaining two facilities. At the same time, we also heard from the High Representative that cooperation from the Syrian Government remains insufficient. As a party to the Chemical Weapons Convention and in order to maintain and strengthen the non-proliferation regime for weapons of mass destruction, Japan calls on the Government of Syria to constructively engage with the Organization for the Prohibition of Chemical Weapons (OPCW).

In the context of the Syrian chemical-weapons issue, the Council established an important tool, namely, the JIM. The Council established the JIM in 2015 through resolution 2235 (2015), since the OPCW fact-finding mission was not mandated to attribute responsibility for the use of chemical weapons. Although Japan was not a member of the Council at that time, we welcomed the commencement of the JIM's work on accountability for the use of chemical weapons.

In line with the seventh report of the Mechanism presented by Mr. Mulet today (S/2017/904, annex),

Japan acknowledges that the Mechanism has identified to the greatest extent feasible that the Syrian Arab Republic and the Islamic State in Iraq and the Levant are perpetrators of the illegal use of such weapons. Japan continues to have confidence in the expertise, impartiality and professionalism of the JIM, which are reflected in the seventh report.

The Council has three main tasks with respect to chemical weapons in Syria. The first is to continue to confirm the verification and destruction of chemical-weapons facilities. The second is to prevent the further use of chemical weapons. The third is to ensure accountability for the use of chemical weapons and to prevent impunity. The JIM is vitally important for those three tasks, particularly the latter two. To put it another way, we rely on the JIM's continued work in order for the Council to be able to meet its own responsibilities.

Japan takes note of various discussions on strengthening or improving the work of the JIM. We believe that, if necessary, the Secretary-General can play a role in identifying any possible improvements. In any event, the JIM should not halt its operations while enhancing its capabilities.

The sad reality of chemical-weapons use in Syria continues, demonstrated most recently by the fact-finding mission's report on the use of sarin in Ltamenah in March. Until all perpetrators have been identified, the work of the JIM should continue.

Mr. Sadykov (Kazakhstan): I thank High Representative Nakamitsu and the Head of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), Mr. Mulet, for their comprehensive briefings.

The issue of the use of chemical weapons in Syria remains one of the most pressing issues on the agenda of the Security Council, as well as for the entire international community. The position of Kazakhstan remains firm and consistent on that issue: we have always opposed the use of all forms of weapons of mass destruction under any circumstances and by anyone. My country has always supported the fight against such atrocities, which, unfortunately, continue to take place in the twenty-first century.

Kazakhstan is interested in the early resolution of the Syrian conflict and believes that any kind of confrontation on the chemical track impedes the achievement of peace and stability in the country and the region. All JIM reports, including the most recent one (S/2017/904, annex), indicate the following important points. First, the use of chemical weapons in Syria continues. It must be stopped and condemned totally by the international community. The use of sarin, sulfur mustard and other poisonous substances has been irrefutably proven by the fact-finding mission of the Organization for the Prohibition of Chemical Weapons (OPCW) and the JIM.

Secondly, the situation with regard to the non-proliferation regime in Syria not only leaves much to be desired but is also getting worse as chemical weapons are becoming increasingly accessible and uncontrollable. What is of grave concern is that all such crimes might remain unpunished. The international community must make every effort to prevent the recurrence of such crimes.

Thirdly, all of the foregoing once against demonstrates the inability of the international community to take preventive measures and identify all cases involving the use of chemical weapons. We need to work on preserving and strengthening our investigative potential through proper procedures and sound methodologies. In that regard, we consider it important and necessary to continue the work of the Mechanism and support the timely extension of its mandate.

Concerning the seventh report of the JIM, Kazakhstan is continuing to study the content of the report and this afternoon, we are only presenting our initial observations. For both of the investigated incidents, we have a number of issues on which we would like to receive additional expanded explanations. In particular regarding the incident in Umm Hawsh, it would be desirable to obtain more extensive information confirming the involvement of one group indicated in the report in the use of chemical weapons.

With regard to the incident in Khan Shaykhun, we positively note the statement in the report of many circumstances in an attempt to fully reflect the events that took place there. The report fully proves the use of sarin and determines the exact date of the use and cases of poisoning of local residents with sarin. The JIM also invested much work to identify the components of the poison agent sarin.

At the same time, in our opinion, the conclusions about the Syrian Air Force involvement in the discharge

of the aerial bomb with sarin in the Khan Shaykhun territory are not thoroughly convincing. On this occasion, we draw attention to the inconsistencies and contradictions in paragraphs 14, 15, 26, 5, 30 and 31 of the report. All unconfirmed facts in the report require additional explanations and strong evidence-based data. All that leads to the need to continue the investigation in order to clarify the real picture.

On the other hand, we positively note that the Mechanism does not conceal the number of inconsistencies and shortcomings observed during the investigation. That is with specific reference to the situation in hospitals, where the time of registration of victims was not consistent with the actual time of the chemical attacks, as well as the cross-contamination admitted during the sampling process, which indicates discrepancies in the collection of evidence. There are also other inconsistencies present in the report.

We are continuing to study the report, and at the same time, we once again confirm the importance of continuing such a serious and important investigation of chemical incidents in Syria. We call for unity and hope for a consensus decision of the Security Council on the timely extension of the mandate of the JIM.

Mr. Rosselli (Uruguay) (*spoke in Spanish*): Uruguay has always expressed its desire for most of the meetings of the Council to be held in an open format, whenever possible. That is why we are especially grateful to the presidency for making today's meeting public and open to the full membership. This is a topic of utmost importance for all of us. We are not only addressing the regular monthly report of the Organization for the Prohibition of Chemical Weapons (OPCW) on the chemical dossier of Syria (S/2017/916, annex), but also topics such as the expiration of the mandate of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) within a few days and the publication of its seventh report (S/2017/904, annex).

I thank the Under-Secretary-General and High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu, and Mr. Edmond Mulet, Head of the Leadership Panel of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, for their comprehensive briefings.

During the two years that Uruguay has been part of the Security Council, we have condemned in the strongest terms any use of toxic chemicals as weapons in the Syrian conflict. The use of chemical weapons, wherever it occurs, constitutes a serious threat to international peace and security and a grave violation of international law. For that reason, we reaffirm that those responsible for such aberrant crimes must be held accountable before the courts.

We reiterate that until all of the Syrian chemical arsenal, whether declared or not, has been irrefutably destroyed or safeguarded, the chemical dossier of Syria cannot be definitively closed in the Security Council. In that regard, we encourage Syrian authorities to cooperate with the Organization for the Prohibition of Chemical Weapons to clarify once and for all the omissions and discrepancies in the initial Syrian declaration. We received good news from Mrs. Nakamitsu regarding the inspection of the two sites that had been inaccessible until recently.

Two weeks ago, the Council did not reach the necessary consensus to renew the mandate of the JIM. Uruguay is confident that a satisfactory agreement can be reached in the next few days to renew its mandate for at least one year, which will enable it to advance its work, taking into account that there are dozens of cases awaiting investigation.

Yesterday, the OPCW Fact-finding Mission in the Syrian Arab Republic informed us that there was a new confirmed case of the use of chemical weapons, on 30 March in the village of Ltamenah. It has been determined that it is highly probable that sarin gas was used once again against the Syrian civilian population. With that, we have at least one case that should be investigated by the JIM in the coming months to determine the perpetrators. Unfortunately and surely, others will arise. As a result, we must reinforce our conviction that the JIM has been a useful and efficient tool and that it must pursue its investigations until no incidents of chemical weapons in Syrian territory use are confirmed by the OPCW.

Regarding the seventh report of the JIM, which was published on 26 October, we take note of its content and call on all members of the Council to take action in that regard, which should result in sanctions for those identified as responsible, namely, the authorities of the Syrian Government and the terrorist group, the Islamic State.

Since the day the incident in Khan Shaykhun took place, we have asserted that Uruguay did not have the information necessary to identify, one way or

another, the perpetrators. As such, we have expressed our complete confidence in the serious, independent, impartial and objective work of the JIM, whatever its conclusions. With the results on the table, we reiterate our full support for the work done by Mr. Mulet and his entire team. We have complete faith in their ethical integrity, professional competence and impartiality. We encourage them to continue their quest for truth and pursuit of justice for the victims of those crimes.

We must avoid repeating the scenario we witnessed in 2016, when after the third and fourth report the Council was unable to reach a consensus that would allow measures to be taken to punish those abhorrent crimes. Similarly, the Council spent weeks to reach an agreement to the renew the mandate of the JIM, resulting in a gap of six months before the JIM was able to resume its operations. Those were six months lost. It was a serious failure on the part of the Council for the Syrian people and international humanitarian law, and we still have time to avoid its recurrence.

Mr. Safronkov (Russian Federation) (*spoke in Russian*): I thank the delegation of Italy for organizing today's meeting in an open format, which allows us to bring the position of Russia on the issue before us home to all Member States.

We are grateful to Ms. Nakamitsu and Mr. Mulet for their briefings.

Russia strongly condemns the use of chemical weapons, wherever it is done and by whomever. In order to maintain the international non-proliferation regime, we deem it essential to identify the perpetrators and bring them to justice. However, systemic deficiencies have been found in the work of the existing international entities in the context of the Syrian chemical dossier. The results of their investigative activity on the use of toxic substances are deeply disappointing. Their mandates have been implemented selectively, without the use of the whole range of methods and means based on the high standards of the Chemical Weapons Convention, which requires first and foremost the collection of samples, interviewing witnesses and the gathering of evidence directly at the site of the incident.

The specialists from the Organization for the Prohibition of Chemical Weapons (OPCW) fact-finding mission in the Syrian Arab Republic did their work remotely. Their report (see S/2017/567) was very mediocre, full of omissions, inconsistencies and contradictions. They did not comply with the basic principle of ensuring the secure preservation of physical evidence. Samples were received on the territory of a third country, with no certainty as to whether they were taken in Khan Shaykhun, some other place in Syria or even outside its borders. The key question about how the sarin was used and delivered to the site of the incident has not been clarified.

We were assured that a visit to Khan Shaykhun would be unsafe, although foreign experts from various States had allegedly been there the day after the chemical attack. No problems were encountered even with the Jabhat Al-Nusra terrorists. By the way, we asked our Western colleagues to share the details of their investigations so that our specialists could have a substantive discussion, but we were stonewalled. When we invited representatives of the Department of Safety and Security of the Secretariat to Security Council consultations on 4 October, it suddenly turned out that they had already managed to reach an agreement with the groups controlling the Khan Shaykhun district on the experts' visit. We should remember, in that regard, that Riad Hijab, the Syrian opposition's General Coordinator of the High Negotiations Committee, had given security assurances in a letter that our British colleagues circulated to the Security Council. And yet for unknown reasons, the OPCW experts did not manage to visit the site of the incident.

Now began the unconvincing references to the power of science, thanks to which, apparently, everything could be ascertained without moving a step. Just imagine a situation where a case is being considered in court and it suddenly turns out that the investigators did not visit the scene of the crime. In judicial practice, this would be completely absurd. We were then told that the Syrian side had presented the results of its national investigation, confirming the use of sarin. Every line of the investigation apparently converged on the same conclusion and so the Director-General of the OPCW Technical Secretariat decided not to deploy a mission to Khan Shaykhun. Our Western colleagues, for the first time that we can remember, all began to make references to the Syrian investigation.

But I should like to point out that the Fact-finding Mission's job is not solely to determine the fact that toxic substances have been used. It is also supposed to study all the available information on the possible use of chemical weapons in Syria, as is written down in black and white in resolution 2209 (2015). The result has been that the OPCW mission failed to obtain

key material evidence. All of its conclusions were based on circumstantial evidence, the overwhelming majority of which was provided by the opposition and non-governmental organizations that have been entirely compromised, such as the White Helmets, who are closely linked to the terrorists of Jabhat al-Nusra. Taking information from them at face value sets a bad tone, to say the least.

Security conditions cannot be used as an excuse to justify the fact-finding mission's refusal to visit the Shayrat airbase. The Syrian authorities were quick to guarantee secure access to the facility and asked that the visit be organized as soon as possible. Under its mandate, the OPCW mission has the right to access any areas that could be affected by the alleged use of chemical weapons. Nevertheless, its leadership did not consider it necessary to check the version of the story according to which the sarin munitions were delivered by Syrian planes from the Shayrat airbase. And yet it was on that shaky basis that an act of armed aggression was conducted against sovereign Syria on 7 April.

We have repeatedly said that the OPCW's investigation could have been much more objective if the fact-finding mission's team had been put together on a wide geographical basis in order to fulfil its mission. Meanwhile, it is a fact that its key positions were held by representatives of countries involved in the Syrian conflict and hostile to Damascus. In that regard, it was impossible to ignore the fact that, right before today's Council meeting, the fact-finding mission issued a report on the alleged chemical incident in Al-Ltamenah on 30 March, based, incidentally, on its by now familiar remote procedures. That is a striking coincidence, especially considering that almost nothing has been heard about the incident for the past six months. That immediately gives rise to a number of legitimate questions as to who provided the samples and when; where and by whom they were taken; how their preservation was assured during this entire time; whether the authorities in Damascus were asked for information; and so on. In the circumstances, one can only think that the story was intentionally timed to coincide with today's meeting.

The specialists of the OPCW-United Nations Joint Investigative Mechanism (JIM) for investigating the use of chemical weapons in Syria did not visit Khan Shaykhun either. The decision was taken by the Mechanism's Leadership Panel, which considered it unnecessary. However, the request to the Department of Safety and Security was still submitted, just in case — in October, six months after the incident occurred. After much consideration, the JIM's visit to Al-Shayrat air base did eventually take place. But it is not clear that this added any value, since the team of experts had not been asked to sample for sarin traces. They were prepared to do it and had the necessary technical and human resources, but did not because they had not been given the go-ahead by the leadership. And yet finding out if sarin had been stored at the airbase was crucial to establishing who was to blame and was therefore the direct responsibility of the JIM.

The result of this series of gross errors by the investigative mechanisms is that the JIM's report of 26 October and its conclusions (see S/2017/904, annex) cannot stand up to any serious criticism. It is no accident that the text, including the section analysing what happened in Khan Shaykun, is full of locutions such as "possibly", "probably", "suggests" and "most likely". I would like to ask Mr. Mulet if he really thinks such terminology is acceptable in a report on such a serious matter. Would it not have been better to inform the Council honestly that the JIM was not in a position to conduct a fully fledged investigation? The relevant Russian entities did a thorough scientific and technical analysis of the report and held an open briefing on 2 November to discuss the results. We urge everyone to familiarize themselves with the briefing. Its main findings are as follows.

The evidence for blaming the Syrian Arab Republic is based on a version that states that an aerial bomb containing sarin was dropped from a military aircraft flying near Khan Shaykhun, on an analysis of the crater created by the bomb's explosion and on a determination of the presence of sarin's chemical composition at the scene. However, the Mechanism's conclusions are untenable, since the report fails to provide convincing evidence of the means of delivery, the type of munitions used and the method of sarin dispersal.

Turning to the results of the technical analysis based on our thorough examination, we find that according to the JIM's tracking — provided by the United States-led coalition — of the Syrian Air Force Su-22, the route was in fact to the side of and parallel to Khan Shaykhun. No manoeuvres by the plane were observed. In those circumstances, based on the JIM version of events, the dropping of the bomb could not have occurred along the aircraft's flight path — since non-guided munitions can be aimed only when the aircraft is precisely on

course for its target — but sideways on, at almost a 90-degree angle.

I would like to ask Mr. Mulet why the Mechanism concluded that this was technically possible. If it was in fact carried out — although nothing was observed on the radar — then, going on the radius of the turn and the approach to the target, the Su-22 would have inevitably had to fly over the residential area, with an increased thrust and significant noise. But according to the JIM report, not one of the witnesses saw a military aircraft directly over the town. Our Russian experts have shown, using calculations and graphs, that an air strike on Khan Shaykhun was not technically possible. Why did the JIM not consult Russia, given that the aircraft is manufactured in our country? Then all these fantasies about the Su-22's flight path would have vanished on their own.

The problem is that from the very beginning, the JIM leadership has looked at the aerial bomb version of the Khan Shaykhun events as the basic account, if not the only one. Anything that did not fit into it has been discarded, and the Mechanism has ignored the version about how the incident might have been staged, saying that nobody saw anyone preparing a ground-level detonation of munitions. How can one take that kind of reasoning seriously within the framework of such a serious investigative process? Who on earth would put together such a thing in front of anyone?

Based on information from social networks, the fact-finding mission received munition fragments supposedly found in the crater. I would like to ask Mr. Mulet if the JIM has analysed the metal fragments to determine the type of steel and whether it could be used to manufacture warheads. It is well known that carbon steel is used everywhere to make these kinds of munitions. If that was the case, why is the data not in the report? And if not, how can it be unequivocally concluded that there was a chemical bomb? There is a crumpled piece of pipe in the crater visible in the photographs. What, in the JIM's opinion, is it made of and what does it have to do with an aerial bomb?

Let us consider the crater. If a chemical bomb with binary sarin had been dropped, there would unquestionably have to have been found, in or near it, the mixer that synthesizes the two components that produce sarin, as well as pieces of the tail unit. Nothing like that was found. I would like to ask Mr. Mulet why the crater has no signs of the entry channel that the impact of an aerial bomb always produces. How can one conclude that there was an aerial bomb when the crater's shape is rectangular rather than elliptical? Every textbook on explosions says that a crater like that is characteristic of an explosion from a horizontal, ground-based position. That also corresponds to the distribution of the burn marks on the surface of the asphalt. The edges of the crater were not turned outwards and there were no traces of displaced soil, which shows that the munition was sitting on the asphalt at the moment it exploded. Incidentally, the crater was paved over soon after the incident, which looks very like destruction of evidence.

As part of its work, the JIM commissioned a special laboratory analysis, which detected an impurity that is left behind after the formation of Syrian binary sarin from the precursor methylphosphonyl difluoride (DF). We would like to ask Mr. Mulet what this component's concentration was and at what stages, and whether there was any verification of the likelihood of this micro-impurity's being present in DF in any other processes where DF is used as a basic component for producing sarin. We believe that the impurities found in the samples should not be considered as unique markers solely for Syrian binary technology for producing sarin. It is also possible that the DF and sarin were deliberately synthesized following the known Syrian recipe. The chemicals could have been produced anywhere in order to deliberately compromise the Syrian authorities, and as far as we know that version of events was never considered. Nor has the possibility that homemade sarin was used in Khan Shaykhun been explored, although there could be evidence of that in substance samples. Does Mr. Mulet really believe that no one besides the Syrians is capable of producing sarin based on a specific known formula established through analysis? And if he does, why?

I would like to ask Mr. Mulet if the JIM conducted a chemical analysis of the samples taken from the crater with a view to detecting and identifying traces of the explosive that released the sarin. If not, why? After all, that would be the most logical way to determine the type of munitions and explosion and the method used to disperse the sarin.

What has been noticeable is the visual materials produced immediately after the chemical incident, in which people are seen milling around the crater without special protective equipment. There are representatives of the White Helmets using respirators and cotton gloves, which provide no protection from the effects of

sarin, and they seem to be feeling fine. That is proof that there was no sarin in the crater, since if a chemical bomb had gone off it would have produced a lethal concentration of the poison around the crater. There is reason to believe that there was a munitions explosion on the ground, after which the White Helmets shot the well-known video and only after that was the sarin released into the crater. And yet the White Helmets announced the possible use of chemical weapons even before the Syrian planes took off from Shayrat airbase.

I would like to ask Mr. Mulet if the JIM verified the information that the White Helmets had. Why was almost no attention paid to that fact during the preparation of the Mechanism's report? The report also passes over one very important circumstance. In April, in the Security Council, the United States Permanent Representative showed photographs of Syrian children who had supposedly died from sarin poisoning. The pupils of the children in the pictures are significantly dilated, whereas if they had been suffering from the effects of sarin, their pupils would have shrunk to the size of a pinhead. We asked the fact-finding mission and the JIM to explain that inconsistency, but they avoided the issue. The report also notes that in 57 of 247 cases, the victims had arrived at hospitals before the incident actually occurred. That is one in four of the supposed patients, which excludes the possibility of carelessness in filling out the documents in the ensuing commotion. The Mechanism, however, decided to ignore that glaring discrepancy, forcing the available evidence into the Procrustean bed of the single, untenable aerial-bomb version. I would like to ask Mr. Mulet if 57 people is not rather too many to write off as poor record-keeping.

We are not undermining the authority of the JIM, simply proceeding according to facts and logic based on our thorough scientific and technical analysis of the report. We firmly believe that the Mechanism, vested with such a major responsibility, cannot continue to work in this way. If comprehensive changes are not made, it will remain a tool used solely to settle accounts with the authorities of the Syrian Arab Republic. That is the impression that is being given, and that is unacceptable. In extending the mandate of the JIM, we want to enhance its effectiveness and bring it in line with the high standards of the Chemical Weapons Convention. That is what our draft resolution aims to do, and we hope that our colleagues in the Security Council will approach that draft from a constructive, non-politicized perspective.

Even as some continue to try to find these imaginary chemical weapons in Damascus, the region is seeing an increasing threat of chemical terrorism. Owing to the not very constructive position taken certain countries, it has been difficult to develop an appropriate response, despite the draft resolution that we put forward, together with China. The JIM has not done anything about this, even though anti-terrorist efforts are one of its main tasks under the mandate given it by the Security Council last year. The issue of chemicals continues to be used to increase tensions around Syria; ultimately, chemical terrorism could lead to a real conflagration that would have repercussions even beyond the Middle East.

In conclusion, I want to say that when, together with our American colleagues, we created the Joint Investigative Mechanism, we had in mind the goal of closing a large gap in international tools used to address such issues as investigating cases of chemical terrorism, and we considered the Mechanism as a preventive mechanism aimed at deterrence. Unfortunately, we have not been able to achieve that. I think that what Mr. Mulet said today would strike even people with the wildest imaginations:

(*spoke in English*)

> "With respect to the responsibility of the Syrian Arab Republic, the Mechanism did not identify specific actors within the Government and institutions of the Syrian Arab Republic. The nature and logistics of the operation would involve a range of actors from different areas".

(*spoke in Russian*)

In other words, it stated in its report that the responsibility of the Syrian Arab Republic had not been determined, within either the Government or its various institutionss, and that the character and the logistics of the operation might have involved a whole range of players from various areas. What kind of evidence is this? And then it wrote that the Syrian Arab Republic — the entire State — was responsible.

We need to draw lessons from history. In its current form, the Mechanism represents a serious step backward, even compared to the efforts of the United Nations Special Commission on Iraq, because in that case Mr. Blix and Mr. ElBaradei clearly based their work on verifiable facts. They would not have dared to base it on assumptions such as those that I have just quoted from Mr. Mulet's own statement.

Once again, I want to say that the Russian draft resolution is aimed at correcting these errors and systemic problems.

Mr. Allen (United Kingdom): May I say that I am grateful to our briefers for their clear explanation of the facts this afternoon. I want to thank the head of the Leadership Panel, and through him his whole team, for their committed, impartial and expert work over the past five months investigating the use of chemical weapons in Syria.

As we have heard so clearly today, those investigations have reached a clear, unmistakable conclusion. Syria, a State Member of the United Nations and a party to the Chemical Weapons Convention, has used chemical weapons against its own people. The use of such weapons by anyone, anywhere, is unacceptable, and we condemn their use by both the Syrian regime and by Da'esh. These are weapons that more than 190 States have come together to outlaw, weapons that have no place in the world today.

And yet we have been here before. Last year we were told by the Joint Investigative Mechanism (JIM) that the Syrian regime had carried out three poison gas attacks and that Da'esh had used sulfur mustard. And yet some on the Council doubted the conclusions of that investigation, an investigation that they themselves had set up, with a methodology they had approved. In February, action in the Council was vetoed.

We now have another report from independent United Nations experts mandated by the Council. The report sets out a clear conclusion: on 4 April, the Syrian regime used sarin against its own people in Khan Shaykun, just five weeks after the Council was prevented by Russia from taking action on Syria's use of chemical weapons.

The Joint Investigative Mechanism has done what we as a Council asked it to do. It has done so thoroughly, impartially and professionally, and today, presented with its findings, we must speak with one voice to condemn the use of chemical weapons by Da'esh and this attack on Khan Shaykun by the Syrian regime.

We must hold those responsible to account, but experience to date suggests that we will not be able to do that. Russia continues to deny what happened. Since the attack on that morning in April, Russia has advanced a contradictory series of hypotheses and claims, moving from one to the next as soon as it is proved untrue, as it seeks to prevent the Council from holding the Al-Assad regime to account.

Faced with science and fact, Russia has had no answer but fantasy and fiction, and it has provided no evidence for its claims. The investigators have looked at the evidence. In their report, they set out the rigour with which they approached their task; how they had received information from 12 Member States, including the Syrian regime itself; how they had scientifically corroborated that information; and how they had consulted numerous independent experts and scientists.

The JIM reached its conclusions not on the basis of any one single piece of evidence. Rather, it built its case on the totality of evidence available to it, as any professional, rational investigation would do. And those conclusions are clear: aircraft of the Syrian air force were in the vicinity of Khan Shaykun on 4 April between 6.30 a.m. and 7 a.m., at the time munitions were dropped on the town. The crater from which the sarin emanated was created by an aerial bomb dropped on 4 April, and, most tellingly of all, sarin found at the scene in samples supplied by the Syrian regime contained the same unique — unique — signature found in the chemicals handed over by the Syrian regime to the Organization for the Prohibition of Chemical Weapons (OPCW) in 2014.

The Russian representative suggests that sarin can be easily made, or home-made. Perhaps Mr. Mulet could please explain just how complex it would be to recreate that sarin exactly to the unique chemical signature of the Syrian regime.

In 2013 Russia promised the world that Syria would abandon all of its chemical weapons. Today, to the cost of the people of Syria and to the cost of the international consensus against chemical weapons, that promise remains unfulfilled, and Russia continues to protect Al-Assad and his regime.

I therefore call on the whole Council to renew the JIM's existing mandate, which has delivered the rigorous and conclusive findings that we are discussing today. There is more work to be done. The OPCW fact-finding mission has now reported evidence of likely sarin use in nearby Latamneh on 30 March.

We need to support the JIM and enable it to carry out its important work. The draft resolution that Russia has circulated today is not a serious attempt at renewal. It is a cynical ploy to discredit a professional,

independent and impartial body. Russia is trying to shoot the messenger to cover up for the crimes of the Syrian regime.

To the Syrian Government, I say that evidence has been carefully gathered of the inhuman crimes it has committed. Russia is protecting Syria for now, but the day will come when it is held accountable for its actions before international law and its victims will get the justice that they deserve.

There is no middle ground in the Security Council when it comes to chemical weapons. We must condemn the use of these weapons in Syria and support the Joint Investigative Mechanism to identify those responsible. To do otherwise is to effectively condone these appalling attacks and undermine the international architecture that we collectively designed to stop them.

Mr. Wu Haitao (China) (*spoke in Chinese*): I would like to thank High Representative Nakamitsu and Mr. Mulet for their briefings.

China's position on the issue of chemical weapons has been clear and consistent. We strongly oppose the use of chemical weapons by any State, organization or individual for any purpose or in any circumstances. China is deeply concerned about and strongly condemns the use of chemical weapons in Syria. China supports the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism in its investigation of relevant incidents in a thorough, objective and impartial way. The investigation should be based on solid evidence and should reach conclusions that can stand the test of time and are based on verifiable facts.

China takes note of the report that was recently submitted by the Mechanism (S/2017/904, annex). We also note that, as too much time had passed after the incident and owing to security reasons, the Mechanism decided not to carry out on-site field investigations in Khan Shaykhun and Umm Hawsh. Some Council members have expressed the hope that the Mechanism will improve its methodology, strengthen field investigations and refine its mandate. There is consensus among Council members in condemning chemical weapon attacks in Syria and on the need to investigate relevant incidents. Council members should continue to negotiate on the Mechanism's methodology, mandate and extension patiently and strive for a united message. This will help us to find the truth behind the attacks, bring the responsible parties to justice and deter future chemical weapon attacks in Syria.

A political solution is the only way out of the Syrian issue. Thanks to the joint efforts of all parties of the international community, there is positive momentum towards a political settlement of the Syrian issue. The latest round of the Astana dialogue has just concluded and a new round of the Geneva peace talks will begin in late November.

The political settlement of the Syrian issue has entered a new and critical stage. China calls on members of the Security Council to focus on the big picture of maintaining the Syrian political process and to stay united on the Syrian chemical weapons issue in order to create conditions allowing all parties in Syria to reach speedy solutions acceptable to all through the Geneva talks and, at the same time, play a constructive role for the comprehensive, impartial and appropriate resolution of the Syrian issue as soon as possible.

Mr. Inchauste Jordán (Plurinational State of Bolivia) (*spoke in Spanish*): We are grateful for the briefing provided by the Under-Secretary-General and High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu. We are also grateful for the briefing by the Head of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, Mr. Edmond Mulet, and for the letter sent by the Secretary-General (S/2017/916, annex).

Bolivia expresses once again its strong and categorical condemnation of the use of chemical weapons and the use of chemical substances as weapons. It is an unjustifiable and criminal act, regardless of where, when or by whom it is committed, and constitutes a serious violation of international law and a threat to international peace and security. We agree with assertion of the Secretary-General, in his letter of 30 October, that "[n]othing can justify their use in any situation by any users" (*S/2017/916, p. 1*). We reaffirm the need to maintain the Council's unity to ensure that those who have used chemical weapons are held accountable for their acts so that they do not go unpunished.

We take note of the briefing held for State parties of the Organization for the Prohibition of Chemical Weapons (OPCW) on 3 October on the alleged use of chemicals in Hama governorate and the presence of sarin and sarin-related substances. In that connection,

we reiterate that the OPCW, its Fact-finding Mission in the Syrian Arab Republic and the OPCW-United Nations Joint Investigative Mechanism must carry out their mandated tasks and conduct their work in the most objective, methodical, technical, reliable, supported and in particular depoliticized way possible through an independent, impartial, comprehensive and conclusive investigation.

With regard to the mandate of the Joint Investigative Mechanism, we reiterate that its investigative work is important and that its mandate must therefore be renewed in order to safeguard the continuity of the investigations. There are at present 60 such investigations and they must be carried out objectively and impartially. Field visits to the sites where the incidents took place must be carried out, as long as basic safety assurances are provided, which will make it possible to achieve the expected results.

We believe that the renewal of the mandate should be completely depoliticized, the integrity and independence of the Mechanism should be maintained, the purpose for which the Mechanism was established must be respect to the exclusion of all others, and a specific timeline and a clear methodology for the Mechanism's work must be established.

Finally, Bolivia will continue to study the report (S/2017/904, annex) and its scope. We reiterate again the need to maintain unity in the Council to ensure the continuity of the Mechanism's work.

Mr. Alemu (Ethiopia): I thank High Representative Izumi Nakamitsu and the Head of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM), Mr. Edmond Mulet, for their respective briefings on the reports presented by the Organization for the Prohibition of Chemical Weapons (OPCW) (S/2017/916, annex) and the OPCW-United Nations Joint Investigative Mechanism (S/2017/904, annex), which we have an obligation to examine and scrutinize very seriously and scrupulously. We appreciate all the efforts that have been made in investigating the use of chemical weapons in Syria, as well as in identifying those responsible for this serious crime.

Our position on this issue has been reiterated many times. The use of chemical weapons by any actor — State or non-State — is not only abhorrent, but also constitutes a serious violation of international law and a major threat to global peace and security. The continued use of chemical weapons in Syria is indeed a source of grave concern, as the latest report of the OPCW Fact-finding Mission in the Syrian Arab Republic (S/2017/905, annex) on the Ltamenah incident confirms, and we join other members in reiterating our condemnation, in the strongest possible terms, of these horrible and dreadful acts. That is why we support any and all efforts to hold those responsible for these heinous crimes accountable on the basis of robust and concrete evidence. In this regard, we thank the Joint Investigative Mechanism for its substantive report.

Let me state from the outset that we have the highest respect for the Mechanism and its Leadership Panel. We understand that the Mechanism has been working under extremely challenging circumstances due to a highly sensitive political environment and complex security considerations, as its report rightly stated and as also reiterated by Assistant Secretary-General Mulet today. We respect and appreciate all the efforts and dedication of the Leadership Panel in carrying out its heavy responsibilities in spite of these difficulties, among which is the tremendous time pressure under which they were working. It is therefore totally unfair to expect absolutely flawless work and results, which would obviate the need for members of the Council to ask for further explanation. It is in that spirit that we have tried to examine the report, which no doubt in many instances is very technical and thus requires some technical knowledge in the area.

In fact, the Mechanism has been very careful in its analysis of this very complex situation. The report indicates that it examined two scenarios in detail. Its conclusions flow from those investigations, but it is careful to avoid being definitive. For instance, concerning the crater in Khan Shaykhun, although the report indicates that the crater "had most likely been caused by a heavy object travelling at a high velocity, such as an aerial bomb" (*S/2017/904, enclosure, para. 40*), it nonetheless adds that the Mechanism "could not rule out the idea that the crater was caused by other means" (*ibid., para. 49*). This is important despite the qualification, reiterated by Assistant Secretary-General Mulet a while ago, that it is unlikely.

Similarly, based on video footage confirmed to be authentic, the JIM concluded that the Syrian aircraft was in the "immediate vicinity of Khan Shaykhun between 0630 and 0700 hours on 4 April 4 2017" (*ibid., para. 46 (b)*). However, the same report states that

> "[t]o date, the Mechanism has found no specific information confirming whether or not a Syrian Arab Air Force Su-22 operating from Sha'irat airbase launched an aerial attack against Khan Shaykhun" (*ibid., para. 31*).

Again, the JIM report indicates that the sarin released at Khan Shaykhun was most likely from the original stock of the Syrian Arab Republic. But the report adds that this analysis "would warrant further study" (*ibid., para. 45*).

Moreover, the report — both in its analysis and findings — admits that there are irregularities and discrepancies. Some of them, the JIM accepts, are potentially important. As a result of these and other irregularities in the report itself, we find it difficult, in all fairness and genuine curiosity, to understand how the JIM could be confident that it has completed its work.

Of course, we know that the JIM was not able to visit the site of the attacks, particularly Khan Shaykhun. Its report acknowledges that a visit to the site could have been of value, but then says — as stated by Assistant Secretary-General Mulet in this meeting — that the security risks "outweighed the possible benefits for the investigation" (*ibid., para. 15*). It further states that

> "[s]hould conditions improve, and should it be determined that an on-site investigation would produce valuable new information, a visit could take place in the future" (*ibid.*).

The problem is the JIM has already made its conclusion without having to visit the site, which, by its own admission, could have been of value to the investigation.

Now, we should mention that Assistant Secretary-General Mulet said that the Government of the Syrian Arab Republic has provided good cooperation. That was particularly true of the visit of Al-Shayrat air base and its examination of the logbooks and flight information for 4 April 2017. The information secured did not seem to confirm the conclusion that the Mechanism subsequently made, again suggesting the need for more work to be done.

However, it is important to be fair to the Mechanism and the Leadership Panel. They cannot be asked to deliver more than what they have promised to deliver, pursuant to the method of work that is laid out in annex I of its third report (S/2016/738/Rev.1). What is expected of them is to identify the culprits to the greatest extent possible, and it might not be proper to require that their conclusion meet the standard of overwhelming evidence or even substantial evidence, but for sure it would be fair to expect the conclusion to be in conformity with the standard of sufficient evidence.

No doubt, they have covered a lot of ground, and the findings so far cannot in any way be thrown out the window, but they are not definitive. This is a work in progress, for which the Leadership Panel deserves a lot of credit. We doubt that any delegation could impugn their integrity, but it is very difficult now to conclude that the work has been completed. More work is needed.

Because of this and other new cases which need to be investigated, we are convinced that it is vital to renew the mandate of the JIM, and we hope we will be able to do so by overcoming the differences within the Council on the matter. It is only through unity of purpose that the Council can address the threat and use of chemical weapon in Syria, as well as end its further use by any actor.

Mr. Skau (Sweden): At the outset let me thank Ms. Nakamitsu and Mr. Mulet for their briefings today.

I would like to start by reiterating that Sweden unequivocally condemns in the strongest terms the repeated use of chemical weapons in Syria. Chemical weapons use is illegal, constitutes a threat to international peace and security and can amount to war crimes or crimes against humanity. There must be no impunity for chemical weapons attacks.

I welcome the report (S/2017/916, annex) of the Organization for the Prohibition of Chemical Weapons (OPCW) on the implementation of resolution 2118 (2013). Sweden remains deeply concerned about the fact that the OPCW is still unable to verify Syria's initial declaration on its chemical weapons programme due to a number of serious outstanding issues. We commend the continuing efforts of the Declaration Assessment Team. Full disclosure and proactive cooperation by the Syrian authorities are urgently required.

We are deeply concerned about the findings of the latest Fact-finding Mission report regarding another sarin attack in the Idlib province, this time in Ltamenah on 30 March. We look forward to the OPCW-United Nations Joint Investigative Mechanism (JIM) investigation regarding that attack. The Joint Investigative Mechanism, set up unanimously by the Council, plays a critical role in protecting the

international disarmament and non-proliferation architecture. We offer our full support for the JIM under its mandate to pursue objective, impartial and independent investigations into chemical weapons attacks in Syria. We count on the professionalism and technical expertise represented in the JIM and the thorough forensic analysis it performs. We have provided financial support and technical expertise to the JIM in order to enable it to carry out its important work.

We thank Mr. Mulet and his team for their efforts and for their latest report on the chemical weapons attacks in Umm Hawsh and Khan Shaykhun (S/2017/904, annex). Those were abhorrent and unacceptable attacks, which added to the number of cases of international crimes committed in the conflict by Da'esh and by the Syrian regime. The sarin attacks in Idlib province are particularly repugnant, causing large numbers of casualties, including children and aid workers. The presence of military-grade sarin indicates that all stockpiles of sarin precursors in Syria were not shipped out or destroyed in 2014, as was foreseen.

The Mechanism has carried out thorough work, with all necessary research and corroboration, as outlined in the report. On that basis, it concluded that Da'esh was responsible for the attack in Umm Hawsh in September 2016 and that the Syrian regime was responsible for the attack in Khan Shaykhun in April 2017. With regard to the attack in Khan Shaykhun, the Mechanism has argued that the only one of the eight possible scenarios reviewed to sustain detailed technical scrutiny, using scientific and forensic techniques, is that of an aerial bomb dropped by the Syrian armed forces.

We note that, beyond the Government and the terrorist group responsible, it has not been possible to provide further information on the individuals or entities that were perpetrators, organizers or sponsors, or were otherwise involved in the attacks, or on exactly from where the attacks originated. Our assessment of the JIM report with regard to the technical and scientific aspects is still ongoing.

Finally, let me turn briefly to the matter of the extension of the mandate of the JIM. All members of the Council have pledged support for its objective. As we stated at the previous meeting on this issue (see S/PV.8073), the JIM needs stability and predictability in order to continue its essential work. It is also important that we prevent the considerable costs that would follow from a gap in the mandate of the JIM.

As the current mandate expires in only 10 days, it is key that we now unite to ensure a timely renewal. Sweden will continue to do its utmost over the coming days to seek to ensure a continuation of the JIM and to uphold its mandate. We will support all serious and genuine attempts to achieve that objective and we stand ready to help to facilitate efforts to find a way forward.

The Syrian people, suffering every day from the brutalities of a conflict that has been ongoing now for more than six years, deserve no less.

Mr. Seck (Senegal) (*spoke in French*): The Senegalese delegation would like to thank you, Mr. President, for having convened this briefing in order to review the seventh report (S/2017/904, annex) of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM). I take this opportunity to thank Ms. Izumi Nakamitsu and Mr. Edmond Mulet for their informative briefings and, through them, to thank all the men and women who strive to establish the facts in order to attribute the responsibilities for, as everyone has said, the unacceptable use of chemical substances as weapons against civilians in the Syrian Arab Republic.

As previously stated in the Chamber, my delegation reiterates its strong condemnation of the chemical attacks in Syria, in particular the two incidents under consideration today, in Khan Shaykhun and in Umm Hawsh, whoever the perpetrators were. As a State party to the Chemical Weapons Convention and as an ardent defender of the chemical weapon non-proliferation regime, Senegal, through me, reiterates its conviction that nothing can justify an atrocity such as the use of chemical substances as a weapon against civilians by anyone and under any circumstances.

Not only such attacks but also the many and ongoing allegations of the use of chemical weapons in Syria highlighted by the report and by the Organization for the Prohibition of Chemical Weapons (OPCW) Fact-finding Mission in the Syrian Arab Republic demonstrate — if any further proof were necessary — how important it is that the JIM continue its work, which acts also as an instrument of deterrence, since the risk of weapons of mass destruction falling into the hands of non-State actors, such as terrorist groups, is real. That is of particular concern to Senegal.

On behalf of my country, I therefore takes this opportunity to welcome the positive cooperation, in accordance with resolution 2319 (2016), between the

Mechanism and other subsidiary bodies of the Council, including the Committee established pursuant to resolution 1540 (2004) and the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities. Senegal also welcomes the cooperation of certain Member States with the Mechanism as part of its investigative work.

Whatever our views on the report under review, my delegation believes that there is still sufficient common ground among members of the Security Council to allow us to renew the mandate of the Joint Investigative Mechanism, which expires in only 10 days, as my neighbour has just reminded the Council. I would like to express the hope that the Council will regain the spirit of compromise and consensus on this highly technical issue, as in the case with the adoption of resolutions 2118 (2013), 2235 (2015) and 2319 (2016), all of which enabled the Council to make tangible progress in tackling the issue of chemical weapons in Syria.

In any case, since my delgation is convinced not only of the crucial contribution of the JIM in establishing the truth with regard to the use of chemical weapons in Syria, but also of the relevance of the lessons to be drawn, in particular regarding the global non-proliferation architecture, my delegation reiterates its great appreciation of and support for the Mechanism. We would encourage the Mechanism to continue its crucial mission, which seeks to discharge — it should be underscored — independently, impartially and objectively its mandate established under resolution 2235 (2015) and renewed by the Council through resolution 2319 (2016). It is important to recall that the mandate comprises identifying, to the extent possible, the individuals, entities or Governments that have perpetrated, organized or ordered the use as weapons of chemical substances, including chlorine, sarin and any other toxic chemical substance, in the Syrian Arab Republic or those who have participated in any way. Since everyone agrees that chemical weapons have been used in Syria and given that there are further allegations that have not yet been verified, Senegal believes that the Security Council can reach agreement on renewing the mandate of the JIM.

To conclude, I would like to reiterate the importance of finding a negotiated political solution to the Syrian conflict on the basis of the Geneva communiqué (S/2012/522, annex) and resolution 2254 (2015) as the only viable solution in order to overcome the significant humanitarian challenges spawned by the conflict and to shed all possible light on the many allegations of the use of prohibited weapons in Syria.

The President: I shall now make a statement in my capacity as the representative of Italy.

I would first of all like to thank Ms. Nakamitsu, High Representative for Disarmament Affairs, and Mr. Edmond Mulet for their briefings. They have the full support of the Security Council in their undertaking, which is crucial to upholding the international security architecture.

We thank the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) for its seventh report (S/2017/904, annex), which is the result of an investigation that was conducted in the framework of a very complex security challenge and constraint. Italy supports the work of the Joint Investigative Mechanism. We hold its professionalism and independence in high regard and trust.

Italy is deeply concerned about the findings of the report, as they again affirm that chemical weapons have been used in Syria. To date, the JIM has verified four chemical attacks by the Syrian armed forces and two attacks by Da'esh. What happened in Khan Shaykhun in April 2017 and in Umm Hawsh in September 2016 is totally unacceptable and confirms the abysmal scale of human suffering in the Syrian conflict. We condemn it in the strongest terms. These episodes are a tragic reminder that international law, including the Council's resolutions, as well as the international non-proliferation architecture, continue to be blatantly violated in Syria by the Government and by the terrorists, further eroding — as emphasized by the Secretary-General in his latest report (S/2017/902) — the taboo against chemical weapons.

As long as nobody is held accountable for those acts, the risk of their recurrence will remain and even grow. Allegations of new incidents involving the use of sarin keep emerging, as examined by the Organization for the Prohibition of Chemical Weapons (OPCW) Fact-finding Mission with regard to the incident in Ltamenah. It is one more reason why fighting impunity, identifying the perpetrators and holding them accountable must be shared priorities of the Council. It is one more reason to renew the mandate of the JIM, which will soon expire.

On the implementation of resolution 2118 (2013), we are disappointed that the recent high-level consultations between the OPCW and Syria in September were unable to achieve any significant progress. As the global non-proliferation architecture continues to face extremely serious challenges, the Security Council has the responsibility of defending the integrity and credibility of these crucial long-standing norms of our collective security, and preserving the means of prevention and pathways for accountability in case of violations. The OPCW-United Nations Joint Investigative Mechanism is a critical tool in that respect, and Italy fully supported the renewal of its mandate two weeks ago, mindful of the need to preserve its expertise, protect its independence and uphold the credibility of its investigations.

We are committed to engaging with other Council members to achieve consensus on such a pressing objective, and we would like to thank the penholder — the United States delegation — for its constructive efforts in pursuing a consensual solution, including through a draft resolution that we consider to be a very good basis for discussions leading to preserve the unity of the Council.

I now resume my functions as President of the Council.

I gove the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): I would like to thank you, Mr. President, for convening this important meeting. We would also like to thank our colleagues, who have clearly pointed out the shortcomings that beset the report under consideration (S/2017/904, annex).

I note in particular Mr. Mulet's statement in his briefing to the effect that his mandate and that of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism (JIM) to investigate the incident in Khan Shaykhun is not a political matter. He said that it is not a political issue. The strange contradiction is that, in that same briefing, Mr. Mulet expressed his opinion that the use of chemicals in Khan Shaykhun was an instance of chemical terrorism.

My question to Mr. Mulet and the members of the Council is: Since when is chemical terrorism considered to be a strictly technical and non-political issue? Saying that the JIM's mandate is a strictly technical part of work to be undertaken in a complex political atmosphere, as my dear friend the Ethiopian Ambassador has said, is akin to some lazy students in school saying that focusing on physical education alone is enough to succeed in education, and that there is no need to study the rest of the curriculum.

How can the head of the JIM say that the information concerning the use by terrorist groups of chemical weapons and the smuggling of such weapons through neighbouring States — which was information submitted by my country's Government to him, to the Fact-finding Mission before him, to the counter-terrorism committees before that, to the Committee established pursuant to resolution 1540 (2004) before that, and to the Security Council as a whole, in 130 letters on the use of chemical weapons and their smuggling through neighbouring States by terrorist groups in Syria — is a strictly technical matter? We submitted 130 letters amounting to practically a book, from 6 November 2012 to 6 November 2017 — five year exactly. All of these letters concern the use of chemicals by armed terrorist groups in my country. Then comes Mr Mulet to say that all the crimes that we sent him information about, and that have killed thousands of Syrians, are strictly a technical matter rather than a political one. His briefing was completely devoid of any understanding of the complex political scene in my country. The Mechanism's mandate cannot be strictly technical. That is not convincing proof.

Machiavelli — who was from your country, Mr. President — said nearly 500 years ago, "Politics have no relation to morals". This is what was said by Machiavelli. I can almost see him today observing the behaviour of the Governments of some States that proclaim their morality and declare themselves the guardians of respect for international law and the principles of the Charter of the United Nations, while they themselves practice policies that belittle those very same noble principles and misuse them in order to further their destructive and interventionist agendas. I can almost see Machiavelli here today, standing and observing the behaviour of some United Nations committees that are supposed to be neutral, professional and credible, while their work and reports prove that they are biased, politicized and immoral. They excel in using false witnesses, sources they call "open" and fabricated evidence.

That is the state of the Fact-finding Mission and the Joint Investigative Mechanism, whose report we are discussing today. I will prove to the Council right now, with scientific and legal evidence, that the report is not neutral or professional and that its wrongful accusations against Syria are based on fabricated evidence and manipulated information. It has used sly remarks and ambiguous statements that no criminal report should use in forming its allegations.

Let us refer to the report to count how many times the report uses the words "likely" and "unlikely" in discussing scientific evidence that must only be cited with certainty. I will save the Council the effort. Those two words "likely" and "unlikely" are used 32 times. Despite that fact, the JIM's leadership found no problem in using the word "confident" in its conclusions to point a finger of accusation at Syria regarding the Khan Shaykhun incident, despite the fact that the investigation was partial and ignored and manipulated the three main pillars of any criminal investigation.In that respect, I should like to make the following points.

First, paragraph 54 of the Mechanism's report states that the Syrian Arab Republic has not provided the Mechanism with the outcomes of the internal investigation conducted by the Syrian national committee. This is what the paragraph says, and in that regard I would like to pose the following question directly to Mr. Mulet, who is seated right next to me, doodling. What are the documents that I myself handed to him during the meeting we had in his office on 16 August? Early on the morning of that day, 16 August, I met urgently with Mr. Mulet in his office at my request, in order to provide him with a copy of the Syrian national committee's report on its investigation into the Khan Shaykhun incident. I personally informed him that he is the only United Nations official with a copy of that report.

Second, on several occasions, the report states that the Al-Nusra Front is primarily in control of the city of Khan Shaykhun, including the crime scene. The report therefore candidly states that the Al-Nusra Front terrorists fabricated and transported the evidence to Turkey; that the Al-Nusra terrorists allegedly sent samples to the French, British, Turkish and American intelligence services, and provided false witnesses in the Turkish town of Gaziantep; and that the Al-Nusra Front terrorists also staged and manipulated then concealed the crime scene. In the light of such information, how is it possible for the Mechanism's leadership to be sure that the conclusions it has drawn, based on the so-called the chain of custody, were not manipulated by the Al-Nusra Front, which has been classified by the Council as a terrorist organization? The Al-Nusra Front is a terrorist organization and it has more credibility with Mr. Mulet than the Syrian Government.

Third, paragraph 9 of annex II of the report notes that, on 21 March, the Al-Nusra Front and its affiliate groups launched an offensive against forces of the Syrian Arab Republic in the direction of Hama city. The report states that, by 3 April, the Syrian army regained control of and moved deeper into areas that had been lost. That means that it occurred until one day before the Khan Shaykhun incident — just one day. My question to everyone is this. If the Syrian army was achieving decisive victories, as the report states, and was at the gates of Khan Shaykhun, which was under the control of the terrorist Al-Nusra Front, just one day before the incident took place, why stage a crime with such well-known repercussions? Why would chemical agents be used? Who would truly benefit from it? The only party that benefits is the terrorist Al-Nusra Front, and the Governments of the States that level accusations at the Syrian Government, whose goal is to obstruct the progress of the Syrian army against terrorists who have been genetically modified into moderate terrorists, as their sponsors like to call them. Some believe that the Al-Nusra Front is a moderate terrorist organization.

Fourth, why did the Fact-finding Mission and the JIM not visit the crime scene in Khan Shaykhun? Can a crime be investigated remotely, like a PlaySation game, without visiting the scene of the crime? Let us bear in mind that, as stated by my colleague of the Russian Federation, the United Nations Department of Safety and Security confirmed the possibility of conducting such a visit. In that regard, I would like to recall that there is a pattern of not visiting the crime scene, which is nothing new to the Mechanism. To date, the United Nations has not acquiesced to the request made by the Syrian Government on 22 June 2013 to investigate the crime of the use by terrorist armed groups of chemical weapons in Khan Al-Asal, despite the fact that former Secretary-General, Mr. Ban Ki-moon, had sent Mr. Sellström to investigate. Five years have passed — I repeat, five years — and the Khan Al-Asal incident has not been investigated.

Fifth, why did the Al-Nusra Front, which controls Khan Shaykhun, rush to cover the crater with asphalt, and why did it tamper with the crime scene? If the

sponsors of that terrorist organization had nothing to hide, would it not have been better for them to facilitate the investigation and prevent the crime scene from being compromised?

Sixth, why did the JIM not collect samples from the Al-Shayrat air base, which the United States Administration claimed was the launch point of the chemical attack? It is an interesting paradox that Mr. Mulet himself told me that he decided not to go to Khan Shaykhun, and that it was not within the Mechanism's mandate to take samples from the Al-Shayrat air base. I ask the members of the Council an important question: What could have caused Mr. Mulet to make those serious decisions, which would affect the credibility of the Mechanism's conclusions? All of those questions would surely have caused Britain's Alfred Hitchcock to be outraged.

Seventh, paragraph 30 of the report notes that the Mechanism had received information about an aircraft that was located 5 kilometres of Khan Shaykhun. It states that the expert it consulted concluded that, depending on a number of variables, such as altitude, speed and flight path taken, it would be possible for such an aerial bomb to be dropped on the town from the aforementioned distance. Despite the fact that, from a technical perspective, it is impossible for a Su-22 to deliver a strike to the town, according to the flight path determined by the Mechanism, the expert consulted by the Mechanism used a conniving, misleading and inconclusive expression. He stated that it would be possible to deliver a strike — and here we go back to the words "unlikely" and "likely" — and the Mechanism rushed to adopt that conclusion. An expert stated that it was possible, and the Mechanism immediately latched onto that assertion without challenging it.

Eighth, paragraph 41 of the report states,

> "The Mechanism also examined whether an improvised explosive device could have caused the crater. While that possibility could not be completely ruled out...".

Would the Mechanism's leadership explain how it does not dismiss the fact that the crater could have been caused by an improvised explosive device, while also stating that it is confident that the crater was caused by the impact of an aerial bomb? How do we reconcile those two assertions? On the one hand, they say that the crater could have been caused by an improvised explosive device, yet on the other they say that the crater was caused by an aerial bomb.

Ninth, paragraph 45 of the report notes that some of the evidence that was used to level accusations at the Syrian Government were samples of a precursor chemical, known as methylphosphonyl difluoride (DF), from the original stock from the Syrian Arab Republic. I ask the leadership of the Mechanism: Why does it insist on misleading those who read the report by giving the impression that that sample is as reliable as a DNA sample, and that it can be manufactured only by the Syrian Government? Any specialized Western laboratory could manufacture such a sample. Are Syrian scientists the only ones able to create the DF precursor? Can it be manufactured only in Syria?

I would like to remind members of the Council that the Syrian chemical stock was destroyed on-board the United States vessel *MV Cape Ray*, in the Mediterranean. It is therefore likely that the party that destroyed the stock has kept part of it, because they cannot manufacture what our scientists are able to produce. That kind of DF is a strictly Syrian brand that only Syrian scientists can manufacture. Americans are unable to create anything like it, so they may have kept part of the Syrian stock that they were tasked with destroying in the Mediterranean. American scientists learn from our scientists when it comes to chemistry.

Tenth, does the absence of a tailfin at the crime scene, as stated in paragraph 58 of the report, not indicate that a certain party manipulated the scene to create the impression that an aerial bomb had been dropped? The Mechanism itself has stated that "the absence of a chain of custody relating to the munition remnants diminishes their probative value" (*S/2017/904, annex, para. 58*). However, that did not prevent the Mechanism from concluding that the incident was the result of an aerial bomb.

Eleventh, from paragraphs 74 to 79 of the report, the Mechanism notes that there is a conflict between information and witness testimonies, as well as unusual and inappropriate measures that were taken. I would like to give just one example to demonstrate the degree of manipulation regarding the incident. The report states that

> "In sample No. 13, the blood sample tested negative for sarin or a sarin-like substance, while the urine sample tested positive for the sarin degradation

product isopropyl methylphosphonate" (*ibid., para. 78*).

The report adds that

> "Medical experts consulted by the Mechanism indicated that the combination of the negative result in the blood and the positive result in the urine was impossible" (*ibid.*).

However, the Mechanism insisted that the aforementioned proves the use of sarin. It is scientifically impossible for sarin to be absent from someone's blood and present in that same person's urine — that is medically impossible.

Despite all of those contradictions, the report acknowledges that the Mechanism's leadership did not make any effort to uncover the reasons behind them, even though the reason is quite clear — to manipulate evidence and information, in order to make accusations against the Syrian Government, as was the case with the conclusions of the Mechanism's former leadership in its third and fourth reports. Those reports' misleading conclusions were used by the American administration to attack Al-Shayrat air base.

I call on members of the Council to employ logic and good judgment, and to seek clear and real answers to the questions that I have just posed, which have also been posed by other colleagues. Syria reaffirms that it abides by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. Since it exceeded to the Convention in 2013, it has possessed no banned toxic chemical supplies, as confirmed by Ms. Sigrid Kaag, Head of the Joint Mission of the Organization for the Prohibition of Chemical Weapons and the United Nations for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic, in her report to the Council that was submitted in June 2014 (S/2014/444, annex).

My country considers the use of chemical weapons to be an immoral act that must be condemned, regardless of where, when and under what conditions they are used. This report's prefabricated conclusions are the final nail in the coffin, which exposes the real motives of the sponsors of terrorism. The degree that those sponsors have manipulated reality and the facts in this report is unprecedented, and far exceeds the manipulation that this Chamber witnessed on 5 February 2003 (see S/PV.4701).

Such failed diplomacy is now being repeated in another pathetic scene, reminding the world of the fabricated claims that were made by Secretary of State Powell in a meeting that I personally attended in this very Chamber on 5 February 2003, when Mr. Powell submitted evidence that he called "[f]acts and conclusions based on solid intelligence" (*S/PV.4701, p. 5*). He used those words to justify his country's aggression in Iraq, under the pretext that Iraq possessed weapons of mass destruction. It is truly bizarre that his colleague, Secretary of State Kerry, returned to this Chamber on 27 September 2013 to use that very same expression to mislead the international community and to justify an aggression in Syria at the time (see S/PV.7038). Secretary of State Kerry used the same words as Secretary Powell. It seems that that syndrome is the exclusive property of consecutive United States administrations.

Allow me to now think out loud and seek an answer to the question that concerns every Syrian. How long will Syrians continue to suffer from the terrorism that is being backed by Western Governments, which view the United Nations and the Security Council only as an iron fist to further their interests or commercial enterprises and achieve their goals. Governments of the force of law have committed every kind of unlawful act against the Syrian people and continue to believe that they can kill, destroy, deceive and prevaricate without any judicial accountability.

What is the use of having our Organization if the Governments of those States continue to use it to bear false witness and shatter entire States, such as Yugoslavia, Iraq and Libya; besiege, starve and kill entire peoples, as in Palestine and Yemen; impose illegal sanctions on countries, such as Cuba, Venezuela and Iran; and bring a dirty terrorist war to my country, Syria. The list goes on.

To conclude, the terrorist war that has targeted Syria has cost its sponsoring Governments $137 billion to date, a fact that was admitted by one of its agents, former Prime Minister of Qatar Hamad bin Jassim bin Jaber bin Muhammad Al-Thani. Just a few days ago, he admitted to the media that the terrorist war was a joint plan that united his country with Saudi Arabia, Turkey, the United States, Israel and Jordan. For those Governments, Syria and its people were simply prey to a fighting pack of hyenas. In the words of Mr. Al-Thani himself, "we fought over the prey and it ran away as we fought over it".

The Syrian Arab Republic rejects the form and content of the report of the Joint Investigative Mechanism, because of the accusations it has made regarding the painful incident in Khan Shaykhun. My country will not allow its thousand-year-old civilization to become a prey or target to the Governments that sponsor terrorism. We will continue our war on terrorism. We will rebuild our country. We will achieve the ambitions of our citizens with our blood, sweat and tears, and with the support of our friends who respect international law and reject any breach of the Charter of the United Nations. We will stand and fight the policies of domination that support terrorism.

The meeting rose at 5.50 p.m.

United Nations S/PV.8091

Security Council

Seventy-second year

Provisional

8091st meeting

Wednesday, 8 November 2017, 10 a.m.

New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Cheng Lie
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Abebe
	France	Mrs. Gueguen
	Japan	Mr. Hasebe
	Kazakhstan	Mr. Tumysh
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Seck
	Sweden	Ms. Schoulgin-Nyoni
	Ukraine	Mr. Vitrenko
	United Kingdom of Great Britain and Northern Ireland	Ms. Dickson
	United States of America	Ms. Sison
	Uruguay	Mr. Bermúdez

Agenda

The situation in Libya

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Bensouda.

Ms. Bensouda: Allow me at the outset to congratulate you, Mr. President, on presiding over the Council for the month of November, and to take this opportunity to also thank you, Sir, for your continued support of the work of my Office and the International Criminal Court (ICC) more broadly, both as Permanent Representative of Italy to the United Nations here in New York, as well as Vice-President of the Assembly of States Parties.

I welcome this opportunity to update the Council on my Office's activities in Libya since I last reported in May (see S/PV.7934).

I observe with regret that the security situation in Libya remains a matter of great concern. Indeed, as the Council has stated repeatedly, the volatile situation in Libya remains a threat to international peace and security. Libya continues to confront many challenges: the proliferation of armed groups; the continued, albeit lessened, activity of the Islamic State in Iraq and the Levant (ISIL); the humanitarian crisis created by Libya being the key transit point for hundreds of thousands of migrants; and the ongoing struggle for political power in many parts of the country.

At the same time, and notwithstanding those challenges, it is important to recognize the efforts of numerous actors — first and foremost, the Libyans themselves, as well as Libya's neighbours, international partners and regional organizations, who are all working to achieve peace and stability in Libya through an inclusive dialogue.

As underlined recently by the Special Representative of the Secretary-General, Mr. Ghassan Salamé, and the United Nations High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, the re-establishment of the rule of law, the protection of human rights and the need to combat impunity must form part of the process that will lead to a sustainable political settlement in Libya.

Justice is an important component of sustainable peace. Courts with competent jurisdiction over crimes committed in Libya, including the International Criminal Court, have a crucial role to play. Accountability for serious crimes and full respect for the rule of law are key factors that must be encouraged and supported if Libya is to achieve peace, security and stability. We are striving to do our part. Since my last report before the Council six months ago, my Office has made substantial progress in the investigations of alleged crimes committed in Libya. In that regard, let me now turn to the most recent warrant of arrest issued by the Court in the Libya situation.

Members will recall that in my May statement and report to the Council, I highlighted reports of serious crimes allegedly being committed in the context of the conflict between forces of the Libyan National Army (LNA) and the Benghazi Revolutionaries Shura Council in and around Benghazi. Specifically, I noted reports of serious crimes, including summary executions allegedly committed following the LNA's takeover of the Ganfouda neighbourhood of Benghazi on or around 18 March. I called on all parties to the conflict to refrain from carrying out serious violations of human rights and international humanitarian law. I reminded all parties to the conflict of the provisions of the Rome Statute relating to the responsibility of commanders and superiors to prevent or repress the commission of crimes by their forces and to submit any such crimes for investigation and prosecution. I also noted that my Office was closely monitoring that situation. In the following months, my Office continued to receive credible information of grave crimes allegedly perpetrated in Libya, including in Benghazi.

Based on the evidence of these alleged crimes committed in and around Benghazi, on 1 August, I applied for a warrant of arrest for Major Mahmoud Mustafa Busayf Al-Werfalli. On 15 August, Pre-Trial Chamber I of the Court granted the application and issued a warrant for his arrest. The suspect, Mr. Al-Werfalli, is a commander in the Al-Saiqa Brigade, a Benghazi-based Special Forces unit that has been active in the

LNA's Operation Dignity since May 2014. Based on the evidence collected, we allege that Mr. Al-Werfalli is responsible for the war crime of murder in relation to six unlawful executions that allegedly took place in or around Benghazi between March and July 2017, as well as another execution that allegedly took place on or before June 2016. These executions were filmed and posted to social media sites. Mr. Al-Werfalli is alleged to have ordered or personally committed the seven executions that resulted in the murder of 33 people in cold blood.

My Office follows the evidence and applies the law, independently and impartially, as set by the Rome Statute, irrespective of the affiliation of the perpetrators or the victims. Since the issuance of the warrant, there have been public reports of a possible arrest and an internal investigation by the LNA into Mr. Al-Werfalli's actions. The LNA has officially stated that it is investigating. However, my Office has also received reports indicating that Mr. Al-Werfalli is at large, remains a commander with the Al-Saiqa Brigade, and may have been involved in further killings. I am investigating these reports.

Let me stress that irrespective of any reported domestic investigation that may be under way, Libya remains under a legal obligation arising from resolution 1970 (2011) to immediately arrest and surrender Mr. Al-Werfalli to the ICC. He must be transferred to the Court to stand trial. I therefore urge General Khalifa Haftar, commander of the LNA, which has publicly expressed gratitude for the work of the Court in relation to Mr. Al-Werfalli's case, to demonstrate, by concrete actions, respect for international justice by ensuring Mr. Al-Werfalli's immediate transfer to the Libyan authorities so that he may be surrendered to the Court without delay.

The Council will also recall that on 24 April, the ICC made public a warrant of arrest against Mr. Al-Tuhamy Mohamed Khaled, former head of the Libyan Internal Security Agency. Mr. Al-Tuhamy is alleged to have committed crimes against humanity and war crimes in relation to the events of 2011. My Office continues to investigate Mr. Al-Tuhamy and others associated with the 2011 events. The Office is also engaged in identifying and, where appropriate, sharing information relating to both Mr. Al-Tuhamy and Mr. Saif Al-Islam Al-Qadhafi's current whereabouts. We continue to devise and implement strategies to facilitate the execution of the outstanding warrants of arrest.

In relation to Mr. Al-Qadhafi, I appreciate the support expressed by members of the Council, encouraging the Libyan authorities to comply with their outstanding obligation to surrender him to the Court. Those who allegedly bear responsibility for crimes under the Rome Statute must be brought to justice.

My Office continues to request States Parties, non-States Parties and organizations to assist in securing the arrest of persons subject to an ICC warrant. In that context, we have engaged in a spirit of good faith and demonstrated utmost sensitivity while providing specific information to enable cooperation. We count on the support of States we have engaged in that process to assist the Office with the arrest and surrender of ICC suspects. In that regard, I wish to recall the wording of resolution 1970 (2011), and again encourage all States and regional and international organizations to take concrete action to support my Office's efforts so that Mr. Al-Tuhamy and Mr. Al-Qadhafi can be surrendered to the Court and face justice in relation to alleged crimes committed during the 2011 events.

In relation to Mr. Abdullah Al-Senussi, my Office continues to monitor the Libyan proceedings in relation to his pending appeal before the Libyan Supreme Court.

My Office's assessment since our previous report to the Council (S/PV.7934) indicates that the situation remains dire in Libya. The security situation remains unstable with violent clashes occurring between various factions across Libya. Reports indicate widespread violations of human rights and international humanitarian law being perpetrated by different parties to the conflict. Often, the victims are civilians. One major cause for concern is the continued internal displacement of persons in Libya, such as the Tawerghan. Despite the approval by the Presidency Council of the Government of National Accord in June of this year of an agreement between the Tawerghan and Misratan communities, there has reportedly been no progress towards fulfilling their return home.

I also note with grave concern reports of unlawful killings, including the execution of detained persons; kidnappings and forced disappearances; torture; prolonged detentions without trial or other legal process; and arbitrary detention, torture, rape, and other ill-treatment of migrants in official and unofficial detention centres. As detailed in my latest report,

events of particular concern during the reporting period include the attack on the LNA-held Brak Al-Shati air base on 18 May, and recent clashes in the Sabratah region between the 48th Infantry Brigade — also known as the Martyr Anas al-Dabashi armed group — and the Operations Room to Combat the Islamic State. My Office also notes the continued activity of ISIL, including its claimed suicide attack on the Misrata courthouse on 4 October.

My Office has also received information that the LNA has allegedly intensified restrictions on access to the city of Derna over recent months, in connection with fighting during the reporting period between the LNA and the Derna Mujahideen Shura Council. Restrictions reportedly include blocking medicine, medical treatment and petrol from entering the city. The Office has received reports indicating that hundreds of Derna's inhabitants have been arrested attempting to leave the city. I join Mr. Salamé, the Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya, in condemning recent air strikes in a residential neighbourhood in Derna that appear to have resulted in the tragic deaths of civilians, including at least 12 children and women.

Finally, reports have also emerged that 36 male corpses were found in the town of Al-Abyar, 50 kilometres east of Benghazi. This is also of grave concern. The bodies were reportedly handcuffed, showed signs of torture, and displayed bullet wounds to the head. I remind each and every combatant engaged in fighting in Libya that my Office remains seized of the situation in Libya, and if their actions amount to war crimes or crimes against humanity, they can be prosecuted.

These recent attacks and the reports of the finding of 36 corpses bearing signs of torture and execution, compel me once again to bring the provisions of the Rome Statute relating to the responsibility of commanders and other superiors to the attention of senior commanders and officials across Libya. Persons acting as military commanders or as superiors can be criminally responsible for crimes under the Rome Statute committed by forces or subordinates under their effective command or control, or effective authority and control. In addition to their responsibility to protect civilians, commanders have an obligation to prevent or repress the commission of crimes by their forces, and to submit any such crimes for investigation and prosecution. Let me be clear: if serious crimes under the Rome Statute continue to be committed in Libya, I will not hesitate to bring new applications for warrants of arrest. Such crimes must stop. Those taking part in hostilities must do so within the framework of the law and with full respect for international humanitarian law.

I wish now to return to the issue of crimes against migrants, as they represent a serious matter that continues to preoccupy me and my Office. I have instructed my Office to continue its inquiries into the alleged crimes against migrants transiting through Libya. Depending on the precise facts and circumstances that might be established in the course of a full investigation, such crimes may fall within the jurisdiction of the Court. However, that issue must be decided through a case-by-case analysis based on the relevant facts and an assessment of my Office's jurisdiction. Such work will be strictly within our mandate as set by the Rome Statute.

In conformity with goal 9 of my Office's latest strategic plan, we will also work with Libya and other States and organizations on that issue, where appropriate, and where we think we can be of assistance to address crimes perpetrated against migrants. Where possible, our collaborative efforts enhance coordination of investigative and prosecutorial strategies that are aimed at closing the impunity gap not only for Rome Statute crimes, but also for other transnational and organized criminal activity falling outside of my mandate. Those other crimes significantly contribute to the continuing insecurity and violence in Libya today.

I now turn to some of the unfortunately recurring challenges facing my Office. My Office's investigations into alleged crimes under the Rome Statute that have been committed in Libya are hampered by the ongoing insecurity in the country, which continues to prevent my teams from operating within Libya. Insufficient resources also continue to be a major problem. The Office receives various forms of support for its work from members of the Council and States parties. However, our modest financial resources, which must be spread across all situations currently under investigation by my Office, must be increased so as to ensure that we have adequate means to achieve our mandated mission.

The failure to execute arrest warrants issued by the Court also remains a major challenge. Members of the Security Council, as well as other States and non-State parties, have the responsibility to ensure

the timely arrest and surrender of all Libyan suspects. Despite those challenges, the announcement of two arrest warrants in the past eight months — one for crimes committed during 2011 and the other for crimes perpetrated more recently — should clearly demonstrate that my Office continues to be fully engaged in Libya and is determined to contribute to achieving real progress towards a culture of accountability for crimes under the Rome Statute committed in Libya.

The progress that we have made and our achievements to date are a result of the commitment and expertise of my staff, as well as the strong and collaborative relationships that we have developed with key partners. My Office continues to receive vital support from a number of States, including the Netherlands, Tunisia, Italy and the United Kingdom, as well as international organizations and other actors, such as the United Nations Support Mission in Libya and INTERPOL. The exemplary efforts of those States and organizations deserve recognition. More of the same is required from others joining to contribute. In addition, the Libyan Prosecutor-General's Office remains a strong and valued partner in our investigation activities, and, as always, I remain grateful to the citizens of Libya and all individuals and organizations that are committed to the goals of the ICC.

I am acutely aware that peace and stability in Libya will require action, support and commitment from various actors. Ensuring justice for victims of serious crimes perpetrated in Libya and bringing to account those who have committed or ordered atrocities remain critical factors for sustainable peace in a country that has been plagued by conflict for so long. Libya will remain a priority for my Office in 2018. Along with my team, I am determined to fulfil the responsibility entrusted to my Office by the Rome Statute vis-à-vis Libya, following the Council's referral pursuant to resolution 1970 (2011). My Office will continue to do its part. As we do, we count on the critical support of the Security Council, States Members of the United Nations, and States parties to the Rome Statute.

Suspects against whom ICC warrants of arrest have been issued must be arrested and transferred to the Court to stand trial. We have a collective responsibility to cultivate a culture of accountability for Rome Statute crimes in Libya and to deter the commission of future crimes. Continued failure to do so is to deny the victims of the grave crimes committed in Libya the justice that they so rightly deserve. Inaction will also embolden those who have already committed crimes and would-be perpetrators by signalling that impunity will prevail and that they are beyond the reach of the law. That we cannot allow.

The President: I thank Prosecutor Bensouda for her important briefing.

I shall now give the floor to members of the Security Council who wish to make statements.

Ms. Dickson (United Kingdom): I would like to start by expressing the gratitude of the United Kingdom to Ms. Fatou Bensouda, the Prosecutor of the International Criminal Court (ICC), for being here today with members of her team and for presenting to the Security Council her fourteenth report and update on the activities of her Office with regard to the situation in Libya. The United Kingdom fully supports the work of the Office of the Prosecutor, and the ICC as a whole, to bring to account those responsible for serious crimes of international concern in Libya and elsewhere.

The situation in Libya remains extremely serious and a cause for grave concern. It is deeply troubling that violations and abuses of human rights and violations of international humanitarian law continue to happen with impunity on a daily basis across Libya, including against migrants and refugees. We condemn the October air strikes in Derna. The United Kingdom, along with France, Italy and the United States, is closely monitoring ongoing acts of conflict in Libya. Those suspected of committing, ordering or failing to prevent summary executions and torture on all sides must be fully investigated and, if found guilty, held accountable for their actions. Reports of incidents of extrajudicial killings of detained combatants, including at the Brak Al-Shati air base, and clashes in areas such as Benghazi and Misrata, resulting in civilian casualties, are also very disturbing.

While we fully support Libya in its fight against terrorism, such operations have a detrimental humanitarian impact on the civilian population, and the relevant rules of domestic and international law must be complied with. It is also imperative that, as progress is made towards a political solution, security structures are reformed so as to ensure accountable chains of command and that the judicial system is strengthened to ensure that it is robust, impartial and independent.

The United Kingdom is grateful for the ICC's ongoing efforts to investigate the alleged crimes despite

the challenges presented by the ongoing security situation and political instability in Libya. We note that the Office of the Prosecutor is determined to resume investigative activities on the ground in Libya as soon as possible, and we welcome the steps that it is taking to achieve that goal. We note the Prosecutor's update on the cases against Saif Al-Islam Gaddafi and Al-Tuhamy Mohamed Khaled. We fully support the Court's call for cooperation from members of the Council, Libya and other States to provide information that could facilitate the arrest and surrender of those men to the ICC so that they can be tried for the alleged war crimes and crimes against humanity committed in Libya in 2011.

Those responsible for war crimes and other serious crimes in Libya must not escape justice. In that connection we recall that the United Kingdom, along with two other members of the Council, publicly expressed our welcome in August for the fact that the Libyan National Army was apparently willing to investigate reports of the unlawful killings in Benghazi and to recognize the arrest warrant issued by the ICC for Mahmoud Al-Werfalli, a member of the Libyan National Army. We hope to see progress in that case in the very near future.

We note that the Office of the Prosecutor has continued to collect and analyse information and evidence related to alleged criminal acts against migrants in Libya. We encourage all States, including neighbouring States to Libya, to cooperate with the Court, and where relevant, to provide it with reliable information on human trafficking and smuggling networks. It is important that the alleged perpetrators of those crimes, like other serious crimes of concern in Libya, be held accountable for their actions.

The lack of improvement in the situation reinforces the need for all sides to reach a political solution. The United Kingdom fully supports the efforts of the Special Representative of the Secretary-General, Mr. Ghassan Salamé, in that regard and urges all parties in Libya to engage with him constructively. The United Kingdom would also like to reaffirm its support for the Government of National Accord.

The United Kingdom commends the continued engagement of the Libyan Prosecutor-General and the Libyan representatives to the ICC and encourages States and relevant international and regional organizations to assist the Libyan authorities in their efforts to build the rule of law in Libya.

Finally, the United Kingdom believes that the Court must have the resources necessary to do its work, but it is important that those resources be used as efficiently as possible. We welcome the steps that the Court has taken in that area and encourage the Court to continue to strive for efficiency. Once again, the United Kingdom would like to thank the Prosecutor of the ICC for presenting her report to the Council today.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): I would first like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing today on the latest report of the Prosecutor of the ICC to the Security Council in accordance with resolution 1970 (2011).

At the outset, Egypt would like to commend the efforts of the Court to put an end to impunity and restore justice in Libya in line with international law. For that reason, in the case against Mahmoud Mustafa Busayf Al-Werfalli, we are of the view that it is important to ensure adherence to article 1 of the Rome Statute of the ICC. Indeed that article stipulates that the Court is a complement to national criminal jurisdiction.

It is furthermore essential for the Court to adhere to the conditions regarding admissibility, pursuant to the stipulations of article 17 of the Rome Statute. In that regard, the Court cannot declare that the case against Mahmoud Mustafa Busayf Al-Werfalli is admissible or that other individuals are subject to an investigation in their countries if Libyan judicial authorities are effectively seized of the matter and if proceedings are underway, unless it is established that the Libyan State does not have the will or is unable to genuinely conduct and carry through investigative proceedings. With respect to handing Saif Al-Islam Al-Qaddafi over to the Court, we reiterate that it is necessary to deliver all requisite assistance to the Libyan Government so that it can fulfil all of its obligations vis-à-vis the Court.

On the other hand, although Egypt is aware of the tremendous challenges linked to the security situation in Libya, which make it difficult to dispatch experts from the Court to conduct research on the ground and collect proof from Libyan territory, we favour and welcome any forms of collaboration with the assistance delivered by the Libyan Prosecutor-General so as to enable the Prosecutor of the ICC to fully carry through that Court's mission.

In addition to the assistance provided by the Libyan Prosecutor or other competent authorities

from the country, Egypt requests that the Office of the Prosecutor of the ICC prioritize a verification of all other information received with respect to the crimes perpetrated in Libya. That information must stem from credible sources. The Court cannot focus exclusively on allegations from one group to the detriment of another. The Court must remain seized of all cases within its jurisdiction, including crimes perpetrated by terrorist organizations. Those organizations receive financial assistance and weapons from some States, and it is thanks to the availability of such weapons and financial flows that the terrorists perpetrate crimes that indeed fall under the jurisdiction of the Court.

The international community must deliver all necessary support to the Libyan Government so as to set up a comprehensive strategy to enable the fight against the heinous crimes perpetrated in Libya. All required assistance to Libyan authorities must be delivered so that those authorities can restore justice and prosecute terrorists. That requires that the Libyan Government be provided with the necessary weapons, as well as that all relevant Security Council resolutions be implemented.

Lastly, we thank Ms. Fatou Bensouda for all of her efforts, and we thank her Office for the tremendous efforts it has undertaken to restore justice and end impunity. My country will continue to cooperate and collaborate with the Court in that regard.

Ms. Sison (United States of America): We thank Ms. Fatou Bensouda for the update on the work of the Office of the Prosecutor, pursuant to Security Council resolution 1970 (2011). Six years ago, the Council referred the situation in Libya to the International Criminal Court (ICC), given the context of the appalling violations of human rights that were perpetrated during the 2011 revolution.

The ICC has charged Saif Al-Islam Al-Qaddafi with murder and persecution committed during the 2011 revolution, and we have called on all relevant Libyan actors to facilitate his transfer to the Court. We also note the arrest warrant issued by the ICC for Al-Tuhamy Mohamed Khaled and emphasize the need to bring to justice those involved in the horrific acts committed by the Libyan Internal Security Agency against perceived opponents of the regime of Muammar Al-Qaddafi. All those responsible for the crimes committed during the 2011 revolution must be held to account.

Today much has changed in Libya. However, the country is not free from horrific acts of violence. We continue to call for respect of human rights in Libya. We note with deep concern the recent air strike in Derna — a city that remains in need of immediate and unfettered humanitarian access. We also strongly condemn the deplorable acts in Al Abyar, where on 26 October the bodies of 36 men who had been shot to death were discovered.

The insecurity in the country highlights the urgent need to find a solution to the political crisis in Libya. National political reconciliation is key to ending the violent unrest that continues to plague the country. To that end, we welcome the steps that have been taken in line with the United Nations action plan that was announced in September, and we reiterate our full support for the leadership of Special Representative of the Secretary-General Ghassan Salamé in the ongoing mediation efforts.

As delegations from the House of Representatives in the State Council negotiate amendments to the Libyan Political Agreement, we encourage all Libyan parties to support the United Nations political process and work together in the spirit of compromise towards the common goal of a more peaceful and prosperous Libya. We also call for those responsible for human rights violations and abuses or violations of international humanitarian law to be held accountable; they cannot act with impunity. To that end, we stressed that the summary killings in Al-Abyar, as well as other reports of unlawful killings in Benghazi, must be fully investigated by the authorities on the ground.

We have also noted the ICC accusations against Major Al-Werfalli of war crimes in relation to the killing of 33 people in Benghazi. We are deeply concerned by allegations that Al-Werfalli has carried out additional killings in Ajdabiya despite the ongoing investigation into his activities, as well as by reports that Al-Werfalli has returned to active duty despite the charges against him. The United States urges the relevant Libyan authorities to ensure that Al-Werfalli is brought to justice in accordance with international law.

Before closing, I would be remiss not to convey the United States' position with respect to recent developments relating to the situation in Afghanistan. The United States believes that any ICC investigation or other activity concerning United States personnel is wholly unwarranted and unjustified. The United States is deeply committed to complying with international law and has a robust national system of investigation,

accountability and transparency that is among the best in the world. The United States has a long-standing and continuing objection in principle to any ICC assertion of jurisdiction over United States personnel. More generally, we do not believe that an ICC investigation would serve the interests of either peace or justice in Afghanistan.

Mrs. Gueguen (France) (*spoke in French*): I thank Prosecutor Bensouda for her fourteenth report and for her briefing this morning. I would also like to reaffirm France's support for the Prosecutor, as well as for the International Criminal Court (ICC) as a whole, in the implementation of resolution 1970 (2011), which referred the situation in Libya to the ICC. Through that resolution, the Council sought to demonstrate its trust in the jurisdiction of the ICC by assigning it a mission of the highest importance, namely, to ensure that those responsible for the most serious crimes affecting the international community do not go unpunished, as stated in the Preamble of the Rome Statute.

We are pleased to note the ongoing efforts of the Office of the Prosecutor (OTP) to conduct its investigations in the context of the generally difficult and insecure situation in Libya. Given the scale of the challenges facing the Court there, the support of the Security Council for the Court's action, as well as the efforts of the United Nations and of the United Nations Support Mission in Libya, are essential. We welcome the personal mobilization of the Secretary-General to that effect and the invaluable contribution of his Special Representative, Mr. Ghassan Salamé, to the fight against impunity in Libya. We assure them of our full support in their difficult task.

As we seek to build on the various initiatives and the meeting at La Celle Saint-Cloud under the auspices of President Macron last summer, all efforts must now be geared towards supporting United Nations mediation with a view to reaching a consensus on the revision of the Skhirat Agreement. The French presidency of the Security Council also endorsed the road map of the Special Representative in a statement on 10 October (S/PRST/2017/19), and welcomed the first discussions between the House of Representatives and the Council of State in late September, under the auspices of the Special Representative. Held in Tunis, those negotiations were constructive, and the next steps of the mediation should enable us to finalize work on the revision of the agreement.

In the context of the mediation efforts led by Mr. Ghassan Salamé, it is important to provide concrete support to the Libyan authorities, particularly in the areas of justice and in restoring the rule of law. Beyond those general observations on the situation in Libya, I would like to make three more specific remarks.

First of all, I wish to recall that the ongoing investigations by the OTP require the full cooperation of all stakeholders. France is of the view that the cooperation of Libyan authorities, States parties to the Rome Statute and non-party States — especially members of the Council — with the Court is crucial in order for it to carry out its work in total security and pursuant to the mandate entrusted to it by the Rome Statute and by the Council, as seen in paragraph 16 of the report.

It is essential to strengthen collaboration between all States involved — whether they are parties to the Rome Statute or not — in order to rapidly provide the necessary support to the OTP so that it is able to discharge its mission. In that regard, the cooperation of the Tunisian, Dutch, Italian and British authorities deserves special mention.

With regard to the sections of the report that address ongoing investigations, France takes note of the arrest warrant ordered by the Court against Mahmoud Mustafa Busayf al-Werfalli on 15 August. We urge the Libyan National Army, as the Prosecutor has done, to surrender Mr. Al-Werfalli to the Libyan authorities as soon as possible so that he can be handed over to the ICC, pursuant to their obligations to cooperate with the Court under resolution 1970 (2011). That is an important step in the fight against impunity and towards impartial justice in Libya. France also wishes to reiterate its call for cooperation with the ICC in order to ensure that Saif al-Islam Gaddafi and Al-Tuhamy Mohamed Khaled are handed over to the Court without further delay.

Finally, with regard to the projections outlined in the report of the Office of the Prosecutor, we take note of the OTP's commitment to continue to make Libya a priority during 2018 and, if required, to order new arrest warrants. We also welcome the OTP's desire to conduct investigations into the disturbing situation of crimes linked to smuggling and the trafficking of persons in Libya, which constitutes a direct threat to stability in the country, as Mr. Ghassan Salamé highlighted in the Council in August (see S/PV.2032). France shares that concern and is committed to act together with our

partners to counter smuggling networks and disrupt their economic model in Libya and throughout the region within the framework of the joint statement of 28 August entitled "Addressing the Challenge of Migration and Asylum".

The current situation in Libya once again points to the fact that impunity feeds insecurity and instability. That reality obliges us therefore to respond to the challenges facing us in Libya; they can only be addressed through effective cooperation with the ICC and the support of the Security Council. France remains ready to mobilize its efforts to that end.

Mr. Bermúde (Uruguay) (*spoke in Spanish*): We once again express our appreciation for the presence of the Prosecutor of the International Criminal Court, Ms. Fatouh Bensouda. We welcome the presentation of the fourteenth report of the International Criminal Court (ICC) on the situation in Libya pursuant to resolution 1970 (2011). Uruguay reiterates its full support for the work of the International Criminal Court, as well as for the role played by Ms. Bensouda in prosecuting those responsible for the most serious crimes, as defined in article 5 of the Rome Statute.

Uruguay considers the fight against crimes against humanity, war crimes, genocide and crimes of aggression perpetrated against the rights of men, women and children to be of the utmost importance. The ICC serves as a landmark in the international community's fight against impunity and the commission of the most serious crimes against human beings, which violate their integrity as well as their rights.

The development of international awareness of the need to put an end to atrocities against human beings, whether individual or mass atrocities, and to maintain peace and security were the reason for the creation of the International Criminal Court. The importance of its establishment and the mission entrusted to it require us to support every action aimed at improving the management of the ICC. In that regard, we remind States Parties to the Rome Statute of the need to cooperate with the Court so that it can perform its duties.

Moreover, we believe that it is essential to raise awareness of the importance of the ICC, and States must therefore accede to and ratify the Rome Statute, as well as its amendments. The ICC is a Court that was only recently created and which requires all of the support that States are able to provide in discharging its mission. That should be done through cooperation and by providing information, complying with its requests, understanding its processes and ensuring that they are adequately carried out and completed.

In that context, it is important to strengthen the role of the International Criminal Court as an international adjudicating body for the prosecution of the crimes listed in article 5 of the Rome Statute. Accountability for the perpetration of such serious crimes, regardless of by whom or where they are committed, must continue to be a priority objective for States and the Council alike.

We encourage States Members of the United Nations that are not yet parties to the Rome Statute to accede to it, with a view to making progress in the fight against impunity and to defending all inhabitants of the planet against these heinous crimes, which represent a serious threat to peace and security.

It is important, in this context, to strengthen the role of the International Criminal Court as a mechanism for rendering justice when national courts are incapable of doing so.

With regard to Libya, regrettably, since the previous report of the Prosecutor, there have been no promising signs, except for the fresh momentum given by the United Nations to the political process and national reconciliation in the country. The Government of National Accord continues to see its authority challenged at the national level, and the blockade imposed by the House of Representatives in Tobruk has prevented the provisions of the Libyan Political Agreement from being fully implemented.

The many challenges facing Libya six years after its civil war require quick and effective responses from its new authorities. They are dealing with the threat of Islamic terrorism, a migratory crisis that affects hundreds of thousands of people, a humanitarian emergency and a very difficult economic situation, among other serious problems. In this context, it is necessary to work towards the reunification and reconciliation of the country in order to prevent further bloodshed among its population and to put an end to the institutional crisis and military conflict that have plagued the country since 2011.

We must also make progress towards the objective of a genuine democratic transition and lasting peace and stability as a sustainable foundation in order to more effectively investigate the atrocities committed in the country, while avoiding further widespread violence

and impunity. We trust that the new Libyan authorities, to the extent that they can consolidate their power and gradually extend their authority throughout the entire territory, will fulfil their commitment to render justice for the victims of these crimes and cooperate with the Office of the Prosecutor in future to identify the perpetrators and facilitate their surrender to the Court for prosecution.

We urge the Government of National Accord to surrender Saif Al-Islam Al-Qadhafi to the Court and ensure a trial with all gua. antees for Abdullah Al-Senussi and other individuals who allegedly committed war crimes and crimes against humanity before, during and after the civil war that broke out in 2011, including Al-Tuhami Khaled and Mustafa Al-Werfalli, for whom arrest warrants were issued this year.

It bears noting that, in the most recent reports, there has been a focus on abuses committed against refugees and migrants in Libya, including acts of sexual violence and crimes against minors during their detention in inhuman conditions. We are concerned by the fact that, after having identified during her previous appearance investigations in Libya as one of the priorities for 2017, the Office of the Prosecutor continues to face budget difficulties in carrying out this objective. We therefore support her request for the resources necessary for her to properly fulfil her mandate in a timely manner, and we also call on those States parties that are able do so to provide the required funding.

In conclusion, Uruguay reiterates its recognition of the work of the Prosecutor as reflected in her statements on the crimes committed in Libya. They will definitely help to strengthen the rule of law and bring about a more just and inclusive Libyan society in which the rights and guarantees of all of its inhabitants are fully respected.

Mr. Seck (Senegal) (*spoke in French*): The Senegalese delegation welcomes the opportunity afforded us by the Council's consideration of the fourteenth report on the activities of the Office of the Prosecutor of the International Criminal Court (ICC) on the situation in Libya. We thank Prosecutor Fatou Bensouda for the clarity of her presentation.

Mr. President, you are Vice-President of the Assembly of States Parties to the Rome Statute, and you are Italian and therefore from Rome.

I would like to take this opportunity to commend the ongoing efforts of the Office of the Prosecutor aimed at prosecuting the perpetrators of international crimes and at delivering justice to the victims. The Prosecutor may rest assured of Senegal's unwavering support, as a State party to the Rome Statute, for the Court's mandate of fighting impunity and delivering justice to the victims. There are, unfortunately, many innocent victims, and they are clamouring for justice.

In this regard, we welcome the cooperation of the Libyan Prosecutor-General's Office thus far within the framework of this investigation and the determination of the Libyan Prime Minister to uphold the rule of law and to cooperate with the Court. We call upon the Security Council to also resolutely support the Prosecutor and help her to carry out her investigations effectively and efficiently, in accordance with the mandate she has been assigned pursuant to resolution 1970 (2011). Indeed, it is incumbent upon us all — collectively and individually — to fulfil our obligation under that resolution to cooperate with the ICC and to assist in the arrest and trial of all individuals indicted of crimes under the jurisdiction of the Court.

The delegation of Senegal echoes the concern expressed by the Prosecutor about the cases of alleged crimes committed against migrants and ongoing hostilities among the parties to the conflict, as indicated in the Prosecutor's report. Although the security situation is unstable, which has made it necessary to limit of the scope of the investigation to certain parts of the Libyan territory, the Office of the Prosecutor is continuing its work and achieving important results, such as the execution of the arrest warrant issued during the proceedings against Mustafa Busayf Al-Werfalli. On 1 August, the Prosecutor filed a sealed arrest warrant with the Pre-Trial Chamber. On 15 August, the Chamber made public the warrant for the arrest of Mr. Al-Werfalli for his alleged involvement in the execution of detainees. Similarly, an arrest warrant was issued earlier this year for Al-Tuhami Khaled, while Saif Al-Islam Al-Qadhafi and Abdullah Al-Senussi remain at large and are still being actively sought by the Court.

All this testifies to the important progress achieved by the Office of the Prosecutor in its investigation, as well as to the determination of the Prosecutor to make progress as quickly as possible on the task that the Council has referred to her in the name of justice and the fight against impunity.

The political and security situation in Libya remains unstable and fragile and requires genuine political will from both national and international actors to reach a peaceful and lasting solution, on the basis of resolutions 1970 (2011) and 1973 (2011). In this regard, we commend the efforts of the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, Mr. Ghassan Salamé, whom we encourage to maintain and strengthen the assistance he is providing to the Office of the Prosecutor in the framework of the investigation. We extend the same encouragement to INTERPOL for its valuable contribution to the conduct of the investigations, in particular in the search for suspects. These cooperation efforts must be redoubled if we want to promote dialogue between the parties and to establish a culture of justice, which is the foundation for lasting peace in Libya.

In conclusion, my delegation wishes to recall that our common goal of peace and security in Libya goes hand in hand with the imperative of accountability and delivering justice to the victims. To achieve this, the international community, the Security Council and all stakeholders must work together to create a stable and secure environment underpinned by the rule of law. Combating impunity in Libya, and elsewhere, is not up to the International Criminal Court alone; we must all fight it. I would like to conclude by quoting Prosecutor Bensouda herself in her briefing today:

(*spoke in English*)

"Justice is an important component of sustainable peace."

I should add that justice is a sine qua non condition for sustainable peace.

Mr. Tumysh (Kazakhstan): We would like to thank Prosecutor Bensouda for her comprehensive briefing. We have taken note of the fourteenth report of the Prosecutor of the International Criminal Court, which provides an update on activities regarding the situation in Libya and which is not very encouraging, unfortunately. According to the report, the situation in Libya continues to be volatile, with clashes occurring between various factions across the country, as well as ongoing political instability, a fragile security situation and a breakdown in the rule of law — all of which have resulted in widespread abuses of human rights and violations of international humanitarian law.

We are deeply alarmed by the reports of unlawful killings of civilians, as well as executions, abductions, torture and prolonged detentions without trial or other legal processes. We have learned from information provided by the United Nations Support Mission in Libya that in October alone there were 38 civilian casualties, including 23 killed and 15 injured, as a result of hostilities across Libya. We are also concerned about the fact that hundreds of thousands of migrants and refugees in Libya have suffered abuses and detentions under inhumane conditions.

Kazakhstan believes that an effective and credible Government is crucial to reinforcing Libya's commitment and capability for restoring order and promoting the rule of law, in addition to addressing impunity, protecting basic human rights and ensuring justice for past violations. Every effort should be made to overcome the protracted crisis and find a political solution that sets Libya on the path to peace and reconciliation. At the same time, to have effective results, we realize that the Libyans themselves must take a leading role in those efforts. To that end, the support of the international community for Libya remains vital in restoring stability and security throughout the country. The United Nations has a key role to play in that process.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): The situation in Libya remains difficult and we deplore the fact that people are being killed, including civilians. We hope that the Special Representative of the Secretary-General for Libya, Mr. Ghassan Salamé, will do everything possible within the framework of the plan he has presented to further develop a broadly representative intra-Libyan dialogue under the auspices of the United Nations. The United Nations will require assistance and consolidated international support, including from regional stakeholders. That assistance must be based on respect for Libyan sovereignty, with no hidden agendas. There is no alternative to achieving reunification of the country and its State institutions as quickly as possible, on conditions determined by Libyans themselves, and the efforts to implement international justice and prevent impunity must also promote the achievement of those aims.

We have taken note of the fourteenth report of the Prosecutor of the International Criminal Court (ICC) on the investigation of the situation in Libya. Going on the report's information, there have been no breakthroughs on the main topics over the past six months. The ICC

continues to act selectively. In the past six years, not a single case has been initiated dealing with the alleged crimes committed by insurgents. The Prosecutor has recused herself from the investigation of the civilian casualties resulting from NATO strikes.

As before, there is still no information in the report on the Court's intentions with regard to the atrocities perpetrated by the Islamic State in Iraq and the Levant (ISIL). For example, the reports of terrorist attacks on 4 October on the court building in Misrata have merely been noted, despite the fact that the Court should be well aware of how important the United Nations considers the work of bringing the ISIL terrorists to justice. While the Court has expressed its concern about the army's actions in recent months in the Derna area, it has made no attempt to bring charges against the mujahidin, who for all practical purposes are holding the local population hostage.

We have noted that the ICC has taken an interest in the alleged crimes against refugees and migrants in Libya, claiming that under certain circumstances some of those crimes may fall within its jurisdiction. It is clear that Libyan groups operating in the shadows and the criminal networks in the Mediterranean region are all involved in the black market of illegal migration. We await information on the Court's work in that regard.

With regard to the report's attempts to once again portray the Libyan dossier as a burden imposed by the Security Council on the Court, our position is unchanged. My delegation's general conclusions with respect to the Council's referral of cases to the ICC, which we have expressed in previous briefings by the Prosecutor, remain the same.

Mr. Hasebe (Japan): I would like to begin by expressing my appreciation to Prosecutor Bensouda for her briefing and report. Japan is committed to the fight against impunity and to supporting the International Criminal Court (ICC), including the Office of the Prosecutor, and we commend the accomplishments the ICC has made so far. As the ICC's largest financial contributor, Japan has consistently supported it with a view to ensuring that it can function effectively and sustainably in promoting the rule of law, with the support of the international community.

Japan believes that the ICC has contributed to steady progress on international justice. However, since the Court lacks its own enforcement authorities, the cooperation of States is vital to its success, for it cannot function effectively or deliver justice without that cooperation. Against that background, we welcome the continued collaborative relationship between the Office of the Prosecutor and the Libyan Prosecutor-General's Office. Prime Minister Serraj's reaffirmation of Libya's commitment during meetings with Prosecutor Bensouda to cooperating with the ICC was especially encouraging. We hope that positive trend will yield results in the near future.

Japan is closely following the situation in the wake of the issuance of the arrest warrant for Mahmoud Mustafa Busayf Al-Werfalli for alleged criminal responsibility for war crimes under the Rome Statute. Japan stands ready to fulfil its obligations under the Statute. With regard to Saif Al-Islam Al-Qadhafi, it is regrettable that he is not yet in the custody of the ICC, despite various efforts by the Office of the Prosecutor. We encourage the Libyan authorities and the international community to cooperate fully with the ICC, pursuant to resolutions 1970 (2011) and 2259 (2015).

Japan is committed to supporting the implementation of the action plan provided by Mr. Ghassan Salamé, Special Representative of the Secretary-General for Libya. At the same time, we remain deeply concerned about the ongoing violence and insecurity in Libya, including the human rights violations committed by all sides. That makes it more difficult for the Prosecutor's investigation to progress. In that context, we note the Office of the Prosecutor's analysis of possible investigations of alleged crimes against migrants and look forward to further updates.

I would like to conclude by reiterating Japan's continued support for the activities of the ICC. Japan strongly believes that if we are to ensure that the ICC can effectively promote the rule of law around the world, more countries, including members of the Council, should join it. At the same time, the ICC and its States parties should continue to listen to the various concerns expressed and make efforts to enhance the Court's universality, so that it can gain stronger support for its work.

My delegation stands ready to work alongside the ICC to that end, and we look forward to further tangible progress on today's agenda.

Ms. Schoulgin-Nyoni (Sweden): I would like to begin by joining others in welcoming the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, back to the Chamber today, and by thanking

her for her comprehensive briefing. We sincerely appreciate the valuable work and tireless efforts of the Court and its officials in all bodies. The work of the Prosecutor continues to make a significant contribution to holding the perpetrators of serious crimes of international concern to account and to providing justice for their victims. My Government would particularly like to acknowledge her efforts in applying an integrated gender perspective throughout her Office and investigations, as well as in her report.

We continue to be deeply concerned about the security and humanitarian situation in Libya. Sadly, since we last met with the Prosecutor in May (S/PV.7934), the situation of civilians, who are paying the highest price for the ongoing conflict, has remained fragile and precarious. A breakdown in the rule of law has led to widespread human rights violations and abuses and violations of international humanitarian law by all parties to the conflict. In those circumstances, the Office of the Prosecutor plays an important and essential role. Sweden welcomes the efforts of the Office to investigate the ongoing cases and to closely monitor the situation throughout Libya. We also welcome its efforts to bring new applications for arrest warrants against those alleged to be responsible for violations or abuses, should the evidence and relevant information support such action. That is vital and crucial work in the light of the continuing volatility and insecurity in the country. Reports of violations and abuses must be investigated, and those responsible must be brought to justice. There should be no impunity.

In order to assist the Office of the Prosecutor in fulfilling its mandate, the support and cooperation of the Libyan Prosecutor-General's office, the Libyan authorities, States parties, Member States and all other relevant entities is crucial. In addition, if it is to successfully carry out its functions, including those asked of it by the Council, the Office needs our full political and financial support. It is essential that we follow through on our decision to refer Libya to the International Criminal Court, since the situation in the country continues to constitute a threat to international peace and security.

Sweden recalls the decision by the Security Council to refer the Libya situation to the Court in 2011, and reiterates its full support to the Office of the Prosecutor to investigate the actions of all parties to the conflict in Libya. That includes more recent crimes, such as the case against Mahmoud Al-Werfalli. We support the Court's call to the Libyan authorities to cooperate with it and to arrest and surrender Mr. Al-Werfalli immediately. Regarding the case of Mr. Al-Tuhamy, we note with concern the continued lack of information on his whereabouts and reiterate our hope for his speedy arrest and transfer to the Court. Libya and all Member States are under an obligation to cooperate with the ICC in that regard.

We heard from the High Commissioner for Refugees last week about the grave exploitation and abuse faced by refugees and migrants along the Central Mediterranean route to Europe, including in Libya (see S/PV.8083). We are alarmed by reports of arbitrary detentions, torture and sexual and gender-based violence in migrant detention centres, as well as in regular detention centres. Greater international access is urgently needed and should be granted. Re-establishing a permanent United Nations presence in Libya will be important for responding to those issues, and we welcome Special Representative Salamé's efforts in that regard. We share the view of the Office of the Prosecutor that certain crimes against refugees and migrants fall within the jurisdiction of the Court, and we support the initiative to explore the possibility of investigating crimes related to human trafficking and smuggling networks.

Ensuring the rule of law, ending impunity and providing accountability are essential to post-conflict reconciliation and sustaining peace. The work of the Prosecutor and the ICC plays an important role in Libya in that regard. They have the full support of my Government as they undertake this important but difficult task.

Mr. Cheng Lie (China) (*spoke in Chinese*): I thank Ms. Bensouda for her briefing. China has been closely following the situation in Libya and its development. It also supports all efforts conducive to stabilizing the situation in the country and promoting the political process. The international community should respect Libya's sovereignty, independence and territorial integrity, remain committed to advancing a Libyan-led and Libyan-owned political process through the good offices of the United Nations, and support the Special Representative of the Secretary-General for Libya, Mr. Ghassan Salamé, in his efforts to promote the United Nations action plan for the resumption of an inclusive Libyan-owned political process under the facilitation and leadership of the United Nations.

We hope that all parties in Libya will be able to settle their differences through inclusive political dialogue, on the basis of the Libyan Political Agreement, arrive at a solution that can accommodate the concerns of all parties, promote national reconciliation, restore State governance and strive to achieve peace, stability and development as soon as possible. That is a major prerequisite and basis for justice in Libya. The international community should join forces to provide concrete and effective assistance to the Libyan peace process.

China's position on the International Criminal Court remains unchanged.

Mr. Abebe (Ethiopia): We thank the Prosecutor of the International Criminal Court for her report and briefing to the Security Council, pursuant to resolution 1970 (2011).

The continued violations of human rights committed by all parties to the conflict in Libya remain a source of concern. The killing and wounding of civilians, as well as their abduction, torture, displacement and arbitrary detention, continue unabated. Due to general lawlessness and the weakness of judicial institutions, ordinary crime is widespread, creating a sense of fear and insecurity in Libya. We condemn all the attacks on civilians and civilian facilities that continue to cause civilian casualties and suffering.

The suffering of all Libyans, including the most vulnerable groups, such as women, children, migrants and refugees, must stop. Those responsible must also be held accountable. It is important to fight the widespread sense of impunity in Libya. In that regard, Ethiopia continues to strongly support the position of the African Union that it is vital to combat impunity while respecting the sovereignty and territorial integrity of Member States. We also believe that protecting civilians and civilian infrastructures is critical. In that regard, the capacity of Libyan State institutions, particularly its judiciary and law-enforcement bodies, should be strengthened, with the ultimate objective of ensuring the rule of law.

The lasting solution to the problem of ending Libyans' suffering and the violations of their human rights will be through a comprehensive political settlement that meets the legitimate demands of all Libyans. In that regard, we support the continued diplomatic efforts of the Special Representative of the Secretary-General for Libya, Mr. Ghassan Salamé, to bring all Libyans together so that they can agree on a sustainable path to peace, stability and national reconciliation, according to the United Nations action plan for the resumption of an inclusive Libyan-owned political process under the facilitation and leadership of the United Nations, which has been endorsed by the Security Council. We encourage all Libyans to continue to work together in a spirit of compromise and to engage constructively and meaningfully in the inclusive political process set out in the action plan, so as to bring about concrete results that could facilitate its full implementation. While Libyans themselves have the primary responsibility to ensure peace and security, the international community, particularly the Council, should continue to support their efforts in a coordinated manner.

Mr. Vitrenko (Ukraine): Let me also start by thanking International Criminal Court (ICC) Prosecutor Bensouda for her valuable update on her Office's work regarding the situation in Libya.

At the outset, I want to express once again my country's full support of the activities of the International Criminal Court, which promotes the rule of law and fights against impunity for perpetrators of the most serious crimes.

During the reporting period, the security and humanitarian situation in Libya continued to deteriorate. We all saw numerous reports from various sources on human rights abuses and violations, such as unlawful killings, kidnappings and forced disappearance, torture and others. Like in many other conflict situations, people in Libya have grown accustomed to constant clashes among armed groups and to the existence of parallel institutions. In the past few months, Tripoli has seen fighting between rival militias, including shelling of the city's main airport and surrounding areas. The increasing use of heavy artillery and rockets has resulted in high numbers of casualties, including among civilians. We are especially concerned about the situation in Derna, where protracted fighting has reportedly gravely affected civilians.

We also condemn in the strongest terms the killing of 36 people, whose bodies have been recently found in Al-Abyar, some 70 kilometres east of Benghazi. A full, proper and immediate investigation is needed to uncover the truth. In this context, we echo the Prosecutor's call on all parties to the conflict to ensure respect for human rights and international humanitarian law in accordance

with the provisions of the Rome Statute relating to the responsibility of commanders and superiors to prevent or repress the commission of crimes by their forces.

The next issue I would like to focus on is abuses against migrants and refugees in official and unofficial detention centres in Libya. I am referring to arbitrary detention, torture and rape and other forms of mistreatment. In our view, the activities of the Office in the collection of information and evidence relating to alleged crimes against those vulnerable groups may help prevents such crimes and the illegal activities of human trafficking and smuggling networks in Libya.

We strongly believe that difficult security or political conditions cannot be permanently invoked by any State to justify its non-cooperation with the ICC, especially in situations referred to the Court by the Security Council. It is completely evident to Ukraine, as a country whose situation is under preliminary examination in the ICC, that full cooperation with the Court by all States parties and non-States parties, including members of the Council, as well as concerned regional and international organizations, is of the utmost importance for the successful fulfilment of the Court's mandate.

We are also grateful to the Prosecutor for providing additional information about ongoing cases against Mr. Al-Werfalli Mr. Al-Tuhamy, Mr. Al-Qadhafi and Mr. Al-Senussi. Without going into details, all of these cases are being undermined by one similar and crucial problem. On the one hand, the Court continues to demonstrate its dedication to investigating crimes under the Rome Statute, but on the other hand, those in Libya with authority and control over the suspects did not provide assistance to transfer them to the Court. In that respect, we attach considerable importance to Libya's recent reaffirmation of its commitments to uphold the rule of law and ensure accountability, as well as to cooperate with the ICC. We look forward to concrete steps from Libya, in accordance to its legal obligations, to facilitate the surrender of suspects to the ICC.

In the light of some recent positive developments in the political dialogue, we would like to conclude by emphasizing the necessity of the international community further supporting the Libyan Government of National Accord in its efforts to restore law and order in the country, combat impunity and ensure the right to justice for all victims. The active role of the Office in further discharging its mandate independently and impartially will definitely accelerate that process.

Mr. Llorentty Soliz (Bolivia) (*spoke in Spanish*): Bolivia wishes to thank your delegation, Mr. President, for having convened this meeting. We also thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her briefing. We extend our support to Ms. Bensouda in the carrying out of her tasks. We value the efforts the ICC has made since 2011 in the implementation of the review carried out through resolution 1970 (2011) and we reiterate that its effective implementation depends on the full collaboration of all stakeholders within and outside of Libya.

In that regard, we call on the Libyan Government of National Accord, the stakeholders and the countries of the region to redouble their collaborative efforts so that the Office of the Prosecutor of the ICC can conduct its investigative tasks. We also reiterate that all States, regardless of whether they are States parties to the Rome Statute, bear the primary responsibility of taking action to contribute to facilitating of the Court's investigative tasks and thus preventing impunity.

We take due notice of the briefing and the activities carried out by the Office of the Prosecutor during the reporting period. We express our deep concern over the news of extrajudicial killings, murder and arbitrary detention in the current year that beset the affect parties to the Libyan conflict. We urgently call on the parties and armed groups to definitively cease all violent acts. Any action that is contrary to international criminal law can be investigated in order to identify and penalize the responsible parties. With regard to the Al-Werfalli case, we again call on the Government of National Accord and all stakeholders to collaborate and contribute to the work of the Office of the Prosecutor during the investigations of the alleged activities.

We note with concern the repeated reports of the use of sexual violence and harassment committed against innocent civilians by the parties as tactics of war. Moreover, there are reports of violations of the rights of migrants, who are vulnerable to human trafficking networks and are subject to slavery and sexual exploitation. The investigations of the Office of the Prosecutor can not only determine who is responsible but, in the case of crimes against humanity, they can exercise their competence to prosecute the perpetrators. We hope that for the following report, we

will see significant progress on cases that are currently being investigated.

The public circulation of reports linking the former ICC Prosecutor, Luis Moreno Ocampo, and other people associated with the Office of the Prosecutor with activities of potential interference with the ongoing investigation in Libya must be promptly and thoroughly investigated in Court to determine the scope of such actions. The integrity of the Court is key to ensuring its credibility and effectiveness in the eyes of the international community. We stress that the ICC is a global endeavour in the interest of all States, and its mission is critical to the strengthening of international criminal law, peace and security, respect for human rights and the assurance of due process. In that regard, we call on all States that have not yet done so, to ratify the Rome Statute with a view to achieving its universalization.

We conclude by saying that absolutely nothing can justify the commission of crimes against humanity, war crimes or genocide, but we must recall once again that what occupies the attention of the Council does so as a direct consequence of regime change policies, the result of which affect millions of people, not only in Libya but worldwide.

The President: I shall now make a statement in my national capacity.

I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her important briefing to the Security Council and for the clear and detailed information provided in the report, particularly the details on the new cases and the relevant arrest warrants. As Vice-President of the Assembly of States Parties to the Rome Statute of the ICC, I am particularly conscious of the delicate task that she has to discharge. Under Ms. Bensouda's determined guidance, the Office of the Prosecutor of the ICC has made progress in many different areas, and I would like to extend to her our strong appreciation and full support.

The situation in Libya was unanimously referred to the International Criminal Court by the Council through resolution 1970 (2011). We are pleased to see that the Prosecutor has made it one of the priorities of her Office, with continuous attention to the crimes that are committed in the country. We believe that the activity of the Court can bring positive developments, particularly if the Council remains united and committed to supporting Libya and helps to ensure that justice is done in a fair and impartial manner. There must no be impunity for war crimes and crimes against humanity committed in Libya. Perpetrators must be brought to justice. All pending arrest warrants issued by the Court must be executed. It is also in the interest of those accused of crimes to surrender to the jurisdiction of the Court and to receive a fair trial.

The principle of complementarity entails that the Court is a court of last resort. The ICC is ready to leave cases to domestic authorities, but it is incumbent on domestic authorities to comply with the provisions of the Statute of the Court. There must be investigations and persecutions. There must be a constant flow of information with the Court. When the Court determines that a case cannot be tried at the national level, domestic authorities are under an obligation to comply with the request of the Court.

In that respect, we welcome the positive and constructive cooperation of the Libyan authorities with the Office of the Prosecutor. At the same time, we encourage all Libyans to cooperate with the Court in all ongoing investigations. Italy will continue to support the Office of the Prosecutor in its sensitive work in all possible ways. There must be no place for impunity, as accountability is crucial to reconciliation and stabilization efforts.

We are pleased to learn that the report refers to the good cooperation that the Office of the Prosecutor has had with the United Nations Support Mission in Libya and with the new Special Representative of the Secretary-General, Ghassan Salamé. We also wish to thank Ms. Bensouda for the information about the investigation into the allegation of crimes against migrants. Italy remains concerned about respect for human rights in Libyan prisons and recalls existing international obligations, including the relevant Security Council resolutions.

We deplore the fact that insecurity in Libya has been hampering the Court in carrying out some investigations in the field. However, we are hopeful that improvements can change the state of affairs and create conditions conducive to allowing the Prosecutor to visit Libyan territory. In that respect, let me reiterate the need for a political solution to the crisis in Libya under the framework of the Libyan Political Agreement. Italy supports the efforts of the United Nations and the action plan set out by Ghassan Salamé to that end, and

continues to engage with the Presidency Council of the Government of National Accord, led by Prime Minister Serraj, to help it to address persistent challenges in the country.

We note with extreme concern the increasing level of violence registered on the ground in the past few weeks. We condemn in the strongest terms recent episodes such as the bombing in Derna and the killing of 36 men in Al-Abyar, near Benghazi. They are particularly worrisome in a phase in which the efforts of the Special Representative of the Secretary-General to give new impetus to the political process are gaining traction. We therefore call on all Libyans to unite and to work together in support of the political reconciliation process, as laid out by Special Representative of the Secretary-General Salamé in his action plan.

In conclusion, let me reiterate that we believe that the Council should adopt the most structured approach in dealing with international criminal justice issues. In that regard, as the Council knows, we shall continue to consult with Member States to find solutions in favour of broader discussions on the role of international criminal justice and accountability for international crimes in the activities of the Council. Any solution that would enable such a discussion would be a step forward. Justice and accountability need to become an integral part of the strategy and of the preventive action of the Council.

I resume my functions as President of the Council.

I now give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): At the outset, it gives me great pleasure to congratulate you, Sir, on your assumption of the presidency of the Council for this month. I would also like to to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her important briefing.

The Libyan authorities are aware of their primary responsibility to fight impunity and to render justice throughout Libya. Our resolve to exercise our sovereignty and national jurisdiction in prosecuting suspects does not imply disrespect for the decisions of the ICC judges or any lack of cooperation. Libya considers the Court to be an important and supportive partner in the context of complementarity between national and international jurisdictions, as been demonstrated by a number of meetings between the Office of the Prosecutor of the ICC and the political and judicial authorities of Libya. Some tangible and important measures have also been adopted to promote cooperation and integration between national justice and the ICC judges, as highlighted by the ICC Prosecutor in several of her reports.

We recognize the delay in prosecuting and bringing the suspects to trial. However, that delay should not be equated with the national judiciary's unwillingness to prosecute the perpetrators of crimes. Rather, it is due to the security situation in Libya. That same situation has prevented the Office of the Prosecutor of the ICC from carrying out its investigations within the Libyan territory. We therefore underscore the fact that in order for the national judiciary to meet its obligations to deliver justice and promote the rule of law, the international community should urgently assist the Libyan authorities in overcoming the security crisis in Libya, while at the same time promoting efforts to ensure the success of the political dialogue. That can be achieved by supporting efforts to consolidate and operationalize security institutions and build State institutions, which will enable Libya to promote security and stability, control all factors and circumstances that give rise to such violations, and confiscate the tools used to commit crimes, in particular weapons. That would clearly help the Libyan judiciary to hold perpetrators accountable for the crimes committed and to prevent the reoccurrence of such crimes and violations in the light of the proliferation of weapons and terrorist and outlaw groups. The rise in crime is reflected in the various reports of the ICC Prosecutor.

We recognize and understand the concern of the ICC Prosecutor over the alleged crimes committed against migrants. We recognize their rights and are well aware of the degree of their humanitarian suffering owing to insecurity and the ongoing proliferation of weapons and militia. However, we note from the reports of the Prosecutor and those of the United Nations Support Mission in Libya and other relevant international organizations that the violations and crimes committed against migrants in Libya continue to be a focus although no attention is paid to combating human trafficking. That in itself is one of the most appalling organized crimes perpetrated by transnational criminal networks, and must be addressed by the international community in accordance with international humanitarian law; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the relevant

Security Council resolutions. In that regard, we stress that any attempt or request to return those migrants to Libya represents a great violation of their rights, as they might be exposed to dangerous practices owing to the chaotic security situation in Libya.

Accordingly, we hope that future reports will include genuine procedural efforts to identify progress in combatting these criminal networks in the countries of origin and destination. It is well known that Libya is a transit country that is suffering from security chaos. Accordingly, if there were no criminal networks in the countries of origin and destination, no crimes or violations would be committed in transit countries.

Finally, we know that the international community seeks to see justice done and fight impunity, but we cannot fully achieve that end in Libya if the international community fails to support and reactivate the professional security apparatus and to promote its capabilities, since it is the sole guarantor of establishing a security and administrative environment that would enable the judicial authorities to prosecute suspects and guarantee the non-recurrence of violations. Failure to ensure such support will only engender greater violations and more crimes.

Council members all surely know that the investigation and prosecution of crimes allegedly committed in Libya would promote justice, since Libya is the scene of these crimes, some of which are linked to other criminal activities. Its fragmentation could therefore lead to the damage of evidence and the obstruction of investigations, particularly given that justice must be for all and not limited to a particular case or suspect.

To conclude, one member of the Council referred to the fact that Libya is suffering from Islamic terrorism. We categorically object to that, and stress that terrorism cannot be linked to any religion.

The meeting rose at 11.40 a.m.

United Nations S/PV.8092

Security Council

Seventy-second year

Provisional

8092nd meeting

Thursday, 9 November 2017, 10 a.m.

New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mrs. Gueguen
	Japan	Mr. Kawamura
	Kazakhstan	Mr. Umarov
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Seck
	Sweden	Mr. Skau
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Mrs. Haley
	Uruguay	Mr. Rosselli

Agenda

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

17-37225 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

The President: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats that will become vacant upon the expiry of the terms of the following Judges on 5 February 2018: Mr. Ronny Abraham (France), Mr. Abdulqawi Ahmed Yusuf (Somalia), Mr. Antônio Augusto Cançado Trindade (Brazil), Mr. Christopher Greenwood (United Kingdom of Great Britain and Northern Ireland) and Mr. Dalveer Bhandari (India). The list of candidates, indicating the national groups by which each candidate was nominated, is contained in document S/2017/620, as amended by S/2017/620/Add.1.

I should like to inform members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 3 November 2017, informing me, on behalf of the Secretary-General, that after the established deadline for nominating candidates, namely, 3 July 2017, a national group submitted a nomination to the Secretariat. I should like to draw the Council's attention to the fact that the additional nomination relates to a candidate already nominated by other national groups and whose name therefore already appears in document S/2017/620. The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decision of the aforementioned national group. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nomination of the aforementioned national group is as follows: for Dalveer Bhandari, Sri Lanka.

The Security Council has before it a memorandum by the Secretary-General, contained in document S/2017/619, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election. I should like to remind the Council that under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected".

The required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than five, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies. Balloting will continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to established practice and as set forth in paragraph 13 of the Secretary-General's memorandum, a new vote will be held on all the candidates. That rule will also apply to any subsequent ballots, if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all the candidates. No withdrawal will be accepted once the ballot papers have been distributed. However, it will be possible to withdraw between ballots.

Members of the Council will be requested to place an "X" in the box next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election.

I should like to remind members of paragraph 10 of the Secretary- General's memorandum (S/2017/619), which specifies that "[e]ach elector may vote for not more than five candidates on the first ballot". Any ballot paper containing votes for more than five names will be considered invalid.

I should like to inform Council members that in accordance with established practice, the ballot papers in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

Only when five candidates have obtained the required majority of votes in the Security Council, I shall communicate the result to the President of the

General Assembly, and I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

The delegations of France and the United Kingdom will not be considered to serve as tellers because candidates of their nationalities have been nominated.

The names of the delegations of the Russian Federation and Ukraine have been drawn. I request each of them to appoint one of their members to serve as teller.

At the invitation of the President, Ms. Melikbekyan (Russian Federation) and Mr. Bondiuk (Ukraine) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I am informed that the General Assembly is now ready to proceed with the voting process.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind Council members that in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As per practice, there will be two independent countings of the ballots, one by each teller. I should like to remind Council members that in accordance with established practice, I shall wait for the General Assembly to complete its count before I announce the results of the voting in the Security Council. The Council will remain in session.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	15
Mr. Dalveer Bhandari	11
Mr. Antônio Augusto Cançado Trindade	11
Mr. Christopher Greenwood	14
Mr. Nawaf Salam	11
Mr. Abdulqawi Ahmed Yusuf	12

As more than five candidates have obtained an absolute majority, the Council will now proceed to a new vote on all candidates, as noted in paragraph 13 of the Secretary-General's memorandum contained in document S/2017/619.

I should like to remind members of the Council that each elector may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be invalid.

I now ask the Conference Officer to distribute the ballots.

I request members of the Council to place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President: I take it that all members of the Council have now marked their ballots.

I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. The tellers will now count the ballots. There will be two independent countings of the ballots by each of the tellers.

• • •

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	15
Mr. Dalveer Bhandari	10
Mr. Antônio Augusto Cançado Trindade	11
Mr. Christopher Greenwood	14
Mr. Nawaf Salam	11
Mr. Abdulqawi Ahmed Yusuf	12

As more than five candidates have obtained an absolute majority, the Council will now proceed to a new vote on all candidates, as noted in paragraph 13 of the Secretary-General's memorandum contained in document S/2017/619.

I should like to remind members of the Council that each elector may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be invalid.

I now ask the Conference Officer to distribute the ballots.

I request members of the Council to place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

• • •

The President: I take it that all members of the Council have now marked their ballots.

I ask the Conference Officer to collect the ballot papers.

• • •

The President: All the ballot papers have been collected. The tellers will now count the ballots. There will be two independent countings of the ballots by each of the tellers.

• • •

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	15
Mr. Dalveer Bhandari	9
Mr. Antônio Augusto Cançado Trindade	8
Mr. Christopher Greenwood	13
Mr. Nawaf Salam	10
Mr. Abdulqawi Ahmed Yusuf	11

As more than five candidates have obtained an absolute majority, the Council will need to proceed to a new vote on all candidates.

I understand that the President of the General Assembly has proposed that the Assembly suspend its meeting until 4 p.m., when it will reconvene. I propose that, with the consent of Council members, we proceed in the summer manner and reconvene at 4 p.m.

It is so decided.

The meeting was suspended at 12.55 p.m.

United Nations S/PV.8092 (Resumption 1)

Security Council

Seventy-second year

Provisional

8092nd meeting

Thursday, 9 November 2017, 4 p.m.
New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Li Yongsheng
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mrs. Gueguen
	Japan	Mr. Bessho
	Kazakhstan	Mr. Umarov
	Russian Federation	Mr. Musikhin
	Senegal	Mr. Seck
	Sweden	Mr. Lundkvist
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Mr. Simonoff
	Uruguay	Mr. Rosselli

Agenda

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

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17-37321 (E)

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The meeting resumed at 4.10 p.m.

The President: Members will recall that in the third ballot, more than five candidates obtained the absolute majority. The Council will therefore now proceed to a new vote on all the candidates, as noted in paragraph 13 of the Secretary-General's memorandum contained in document S/2017/619.

I should like to remind members of the Council that each elector may vote for not more than five candidates and that only the candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be invalid.

May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind Council members that in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I wish to inform members that the voting in the Security Council was conclusive, but that the voting in the General Assembly was not. The Council will therefore wait for the balloting process in the General Assembly to be completed. As soon as I receive from the President of the General Assembly the names of the five candidates who received the required majority, I shall announce the full results of the voting in the Council and the Assembly. The Council will remain in session pending the receipt of that information.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	15
Mr. Dalveer Bhandari	7
Mr. Antônio Augusto Cançado Trindade	10
Mr. Christopher Greenwood	12
Mr. Nawaf Salam	12
Mr. Abdulqawi Ahmed Yusuf	10

Five candidates obtained the required majority in the Security Council. Accordingly, the following candidates received the required majority of votes in the Security Council: Mr. Ronny Abraham, Mr. Antônio Augusto Cançado Trindade, Mr. Christopher Greenwood, Mr. Nawaf Salam and Mr. Abdulqawi Ahmed Yusuf. I have communicated the result of the voting to the President of the General Assembly in writing.

I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 44th plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly: Mr. Ronny Abraham, Mr. Dalveer Bhandari, Mr. Antônio Augusto Cançado Trindade, Mr. Nawaf Salam and Mr. Abdulqawi Ahmed Yusuf."

As both the Security Council and the General Assembly have agreed on the following candidates, Mr. Ronny Abraham, Mr. Antônio Augusto Cançado Trindade, Mr. Nawaf Salam and Mr. Abdulqawi Ahmed Yusuf, they have been elected as members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2018. I should like to congratulate them and wish them every success in the high office to which they have been elected.

As a result of the voting that has taken place in the Security Council and the General Assembly, four members of the Court have been duly elected. In accordance with Article 11 of the Statute of the Court,

the Council will proceed to hold a second meeting to elect one candidate by further ballots for the one seat remaining to be filled.

Accordingly, I shall adjourn the current meeting of the Security Council and I shall immediately call to order the second meeting.

The meeting rose at 6.05 p.m.

United Nations S/PV.8093

Security Council

Seventy-second year

Provisional

8093rd meeting

Thursday, 9 November 2017, 6.10 p.m.

New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Li Yongsheng
	Egypt	Mr. Aboulatta
	Ethiopia	Mr. Alemu
	France	Mrs. Gueguen
	Japan	Mr. Kawamura
	Kazakhstan	Mr. Umarov
	Russian Federation	Mr. Musikhin
	Senegal	Mr. Seck
	Sweden	Mr. Lundkvist
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Mr. Simonoff
	Uruguay	Mr. Rosselli

Agenda

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

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17-37425 (E)

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The meeting was called to order at 6.10 p.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

The President: In accordance with Article 11 of the Statute of the International Court of Justice, the Council will now hold a second meeting to elect one member of the International Court of Justice, by further ballots for the one seat remaining to be filled.

May I take that the Council is now ready to proceed to the vote?

It is so decided.

The Council will now proceed to a new ballot. I request the Conference Officer to distribute the ballot papers.

At the invitation of the President, Ms. Melikbekyan (Russian Federation) and Mr. Bondiuk (Ukraine) acted as tellers.

The President: Members of the Council should place an "X" in the box next to the names of the one candidate for whom they wish to vote. I would remind members of the Council that only those candidates whose names appear on the ballot are eligible for election, and that any ballot paper containing votes for more than one name will be considered invalid.

* * *

The President: I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind Council members that in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Dalveer Bhandari	6
Mr. Christopher Greenwood	9

Mr. Christopher Greenwood has accordingly received the required majority of votes in the Security Council. I have communicated the result of the voting to the President of the General Assembly in writing.

I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 45th plenary meeting of the General Assembly, held today for the purpose of electing the one remaining member of the International Court of Justice, Mr. Dalveer Bhandari obtained an absolute majority of votes in the General Assembly."

Accordingly, no candidate has received the required absolute majority of votes both in the Council and in the General Assembly.

As no candidate has received the required absolute majority of votes in both the Council and the General Assembly, in accordance with Article 11 of the Statute of the Court, the Council will proceed to hold a third meeting to elect one candidate by further ballots for the one seat remaining to be filled.

Accordingly, I shall adjourn the current meeting of the Security Council. Following consultations with the President of the General Assembly, it has been agreed to hold the third meeting on the afternoon of Monday, 13 November.

The meeting rose at 6.50 p.m.

United Nations S/PV.8094

Security Council

Seventy-second year

Provisional

8094th meeting
Monday, 13 November 2017, 3 p.m.
New York

President:	Mr. Cardi	(Italy)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Li Yongsheng
	Egypt	Mr. Kandeel
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Japan	Mr. Bessho
	Kazakhstan	Mr. Umarov
	Russian Federation	Mr. Musikhin
	Senegal	Mr. Barro
	Sweden	Ms. Schoulgin-Nyoni
	Ukraine	Mr. Kyslytsya
	United Kingdom of Great Britain and Northern Ireland	Mr. Allen
	United States of America	Mr. Simonoff
	Uruguay	Mr. Rivas

Agenda

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

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17-37563 (E)

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The meeting was called to order at 3.10 p.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2017/619, S/2017/620, S/2017/620/Add.1 and S/2017/621)

The President: In accordance with Article 11 of the Statute of the International Court of Justice, the Council will now hold a third meeting to elect one member of the International Court of Justice, by further ballots for the one seat remaining to be filled.

May I take that the Council is now ready to proceed to the vote?

It is so decided.

The Council will now proceed to a new ballot. I request the Conference Officer to distribute the ballot papers.

At the invitation of the President, Ms. Melikbekyan (Russian Federation) and Mr. Bondiuk (Ukraine) acted as tellers.

The President: Members of the Council should place an "X" in the box next to the names of the one candidate for whom they wish to vote. I would remind members of the Council that only those candidates whose names appear on the ballot are eligible for election, and that any ballot paper containing votes for more than one name will be considered invalid.

* * *

The President: I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind Council members that in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	1
Required majority:	8
Number of votes obtained:	
Mr. Dalveer Bhandari	5
Mr. Christopher Greenwood	9

Mr. Christopher Greenwood has accordingly received the required majority of votes in the Security Council. I have communicated the result of the voting to the President of the General Assembly in writing.

I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

> "I have the honour to inform you that, at the 49th plenary meeting of the General Assembly, held today for the purpose of electing the one remaining member of the International Court of Justice, Mr. Dalveer Bhandari obtained an absolute majority of votes in the General Assembly."

Accordingly, no candidate has received the required absolute majority of votes both in the Council and in the General Assembly.

As no candidate has received the required absolute majority of votes in both the Council and the General Assembly, in accordance with Article 11 of the Statute of the Court, the Council will proceed to hold a fourth meeting to elect one candidate by further ballots for the one seat remaining to be filled.

Accordingly, I shall adjourn this meeting of the Security Council and I shall immediately call to order the fourth meeting of the Security Council to elect one candidate by further ballot.

The meeting rose at 3.50 p.m.